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B I L L S,

PUBLIC:

SIX VOLUMES.

—(4.)—

GAOLS, &c.

TO

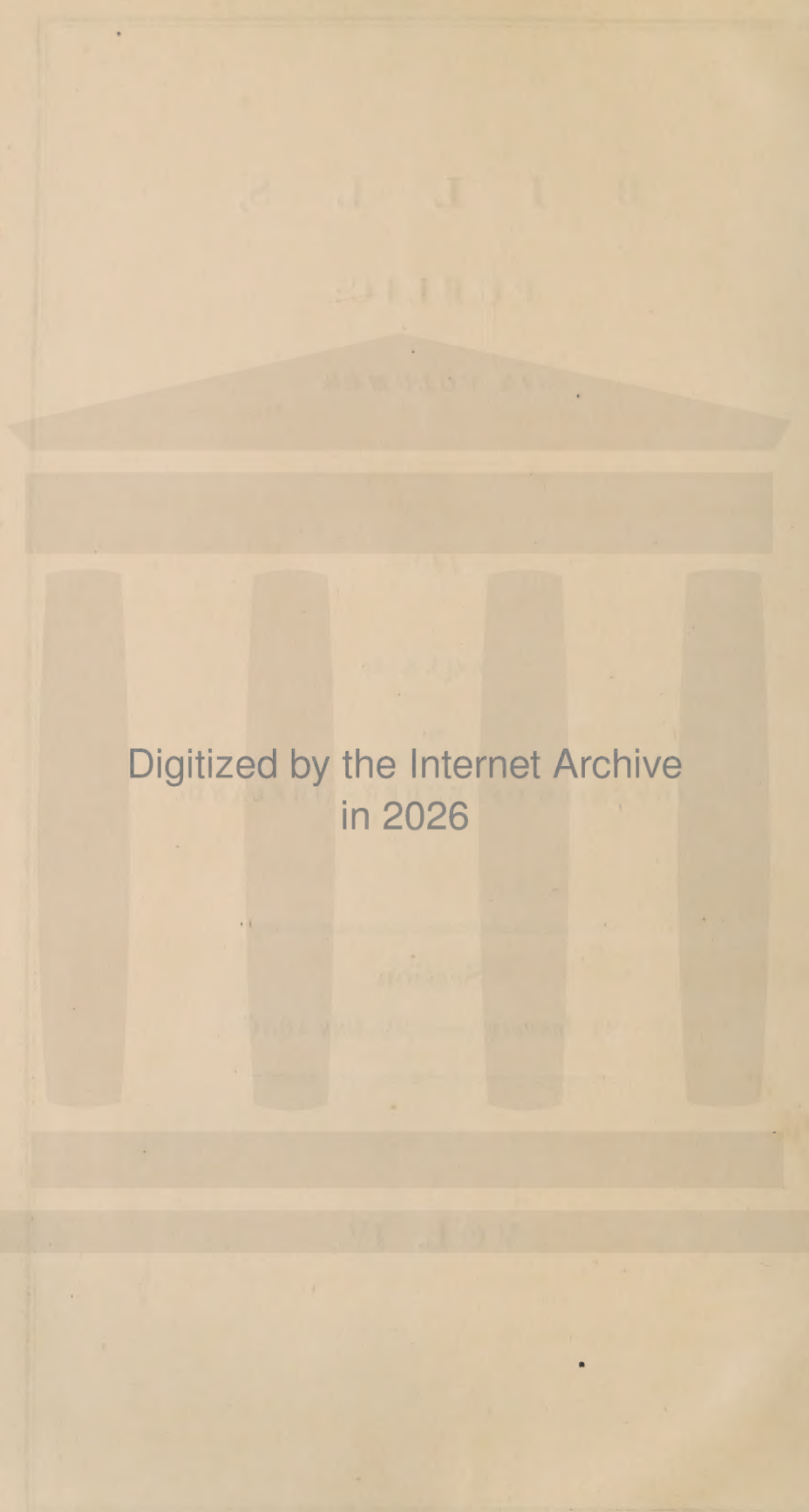
JUVENILE OFFENDERS (IRELAND).

Session

31 *January* — 29 *July* 1856.

VOL. IV.

1856.



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B I L L S :

1856.

SIX VOLUMES:—CONTENTS OF THE

FOURTH VOLUME.

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26 May 1856. 19 VICT.



A

B I L L

TO

Amend the Act 4 Geo. 4. c. 64., for consolidating and amending the Laws relating to the building, repairing, and regulating of certain Gaols and Houses of Correction in England and Wales.

BE it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows :

- 5 I. If any Prisoner in any Gaol or House of Correction shall, as herein-after stated, declare himself to be of a Religious Persuasion differing from that of the Established Church, any Minister of Religion of such Persuasion, who shall satisfy the Visiting Justices that he is a Minister of Religion usually officiating in any Church or Chapel
10 or other Place of Worship licensed according to Law, shall be allowed to visit him or her at proper and reasonable Times, or at any Time and Hour in the Case of any Prisoner in urgent Danger of Death, under such Restrictions imposed by the Visiting Justices as shall be necessary for guarding against the Introduction of improper Persons
15 and preventing improper Communication.
- Any Minister usually officiating in any licensed Place of Worship may visit Prisoners of his own Persuasion.

[Bill 151.]

II. The

Book to be
kept show-
ing the
Religious
Persuasion
to which
Prisoners
belong.

II. The Governor of every Gaol or House of Correction shall, on receiving into his Custody any Prisoner, inquire of him what Church, Communion, or Religious Persuasion he belongs to, and shall enter his Name in a Book to be provided for that Purpose, stating in such Book the Religious Communion or Church to which such Prisoner 5 has stated himself to belong; and the said Governor shall at all reasonable Hours allow any Minister of Religion to inspect the said Book, and to copy the Names of all Prisoners detained in such Gaol or House of Correction who shall appear by the Book to belong to the Church or Religious Denomination of which such Minister is a 10 Pastor.

Prisoners
visited by
Ministers of
their own
Persuasion
not to be re-
quired to at-
tend Chapel.

III. No Prisoner who shall satisfy the Governor or Visiting Justices of the Gaol that he does not belong to the Established Church, and who shall be visited by some Minister of Religion of his own Persuasion, shall be required to attend the Chapel of the Prison in 15 which he is detained.

Prisoners
not required
to receive
Ministers of
any other
than their
own Per-
suasion.

IV. No Prisoner shall be required to receive any Minister of any Religion or Persuasion to which such Prisoner shall not belong.

Gaols, &c.

A

BILL

To amend the Act 4 Geo. 4. c. 64, for consolidating and amending the Laws relating to the building, repairing, and regulating of certain Gaols and Houses of Correction in England and Wales.

(Prepared and brought in by
Mr. Bouyer, Mr. Montagu Chambers,
Mr. Hadfield, and Mr. Barnes.)

Ordered, by The House of Commons, to be Printed,
26 May 1856.

[Bill 151.]

Under 1 oz.

9 July 1856. 19 & 20 VICT.



A

B I L L

TO

Continue the General Board of Health.

WHEREAS by the Act of the Session holden in the Seven-
teenth and Eighteenth Years of Her Majesty, Chapter
Ninety-five, "to make better Provision for the Adminis-
tration of the Laws relating to the Public Health," it was provided,
5 that the General Board of Health should be continued only for One
Year next after the Day of the passing of that Act, and thenceforth
until the End of the then next Session of Parliament: And whereas
by an Act of the last Session, Chapter One hundred and fifteen, it
was enacted, that the said Board should be continued for One Year
10 next after the Day of the passing of that Act, and thenceforth until
the End of the then next Session of Parliament: And whereas it is
expedient that the said Board should be further continued: Be it
therefore enacted by the Queen's most Excellent Majesty, by and
with the Advice and Consent of the Lords Spiritual and Temporal,
15 and Commons, in this present Parliament assembled, and by the
Authority of the same, as follows:

I. The said Board shall be continued for *One Year after the Day of
the passing of this Act, and thenceforth until the End of the then
next Session of Parliament.*

Preamble.
17 & 18 Vict.
c. 95.

18 & 19 Vict.
c. 115.

General
Board of
Health con-
tinued.



General Board of Health Continuance.

A

B I L L

To continue the General Board of
Health.

(*Prepared and brought in by*
Mr. Couper and Sir George Grey.)

Ordered, by The House of Commons, to be Printed,
9 July 1856.

[Bill 236.]

Under 1 oz.

4 June 1856. 19 VICT.



A

B I L L

TO

Facilitate the Despatch of Business before Grand Juries in England and Wales.

WHEREAS it would expedite and improve the Administration of Criminal Justice if Persons attending to give Evidence before Grand Juries were sworn in the Presence of the Jurors who are to act upon such Testimony: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows :

- I. From and after *the passing of this Act* it shall be lawful for the Foreman of every Grand Jury empannelled in England and Wales, or any One of Her Majesty's Justices of the Peace serving on such Grand Jury, and he is hereby authorized and required, to administer an Oath to all Persons whatever who shall appear before such Grand Jury to give Evidence in support of any Bill of Indictment, and all such Persons attending before any Grand Jury to give Evidence may be sworn and examined upon Oath by such Grand Jury touching the Matters in question; and every Person taking any Oath or Affirmation in support of any Bill of Indictment who shall wilfully swear or affirm falsely shall be deemed guilty of Perjury; and the Name and Place
- Witnesses examined before Grand Juries to be sworn in the Presence of the Jurors.
- [Bill 161.]

Place of Abode of every Witness intended to be so examined shall be endorsed on such Bill of Indictment; and the Foreman of such Grand Jury, or the Justice of the Peace administering the Oath to such Witness as aforesaid, shall write his Initials against the Name of each Witness so sworn and examined touching such Bill of Indictment: Provided, however, that nothing in this Act contained shall affect any Fees by Law payable to any Officer of any Court for swearing Witnesses, but such Fees shall remain payable as if this Act had not passed. 5

Not necessary for Witnesses to be sworn in open Court.

II. From and after *the passing of this Act* it shall not be necessary 10 for any Person to take an Oath in open Court in order to qualify such Person to give Evidence before any Grand Jury.

Interpretation.

III. The Word "Foreman" shall include any other Member of such Grand Jury who may for the Time being act on behalf of such Grand Jury in the Examination of Witnesses in support of any Bill 15 of Indictment; and the Word "Oath" shall include Affirmation, where by Law such Affirmation is required or allowed to be taken in lieu of an Oath.

Grand Juries.

A

BILL

To facilitate the Despatch of Business
before Grand Juries in England and
Wales.

 (Prepared and brought in by
Mr. Bowyer, Mr. Warren, and Mr. Montagu
Chambers.)

Ordered, by The House of Commons, to be Printed,
4 June 1856.

[Bill 161.]

Under 1 oz.

LORDS AMENDMENTS
TO THE
GRAND JURIES BILL.

Note.—*The Page and Line refer to the Bill as first printed by
the Lords. (170.)*

Page 1.

Lines 11 and 12. Leave out (“or any One of Her Majesty’s
“ Justices of the Peace serving on such Grand Jury ”)

Line 13. Leave out (“whatever”) and insert (“whomso-
ever”)

Line 19. Leave out the Second (“and”)

Page 2.

Line 1. Leave out (“Place of Abode”), and in the same Line
after (“Witness”) insert (“examined or”)

Lines 3 and 4. Leave out (“or the Justice of the Peace
“ administering the Oath to such Witness as aforesaid”)

Line 13. Leave out (“other”)

Line 15. Leave out (“Grand Jury”) and insert (“Fore-
“ man”)

TO THE

GRAND JURIES BILL.

*Ordered, by The House of Commons, to be Printed,
9 July 1856.*

[Bill 232.]

Under 1 oz.

Grand Juries (Ireland) Bill.

SUMMARY OF THE BILL.

The Numbers refer to the Clauses of the Bill.

The Preamble recites, that it is expedient to make Provision for the Administration of local Affairs in Ireland by Councils, elected by the Magistracy and the Ratepayers, and to give Facilities for the Execution of Works of public Utility which now require the Consent of Parliament.

Clauses.

1 The Lord Lieutenant is authorized to divide Ireland into Districts for the Purposes of the Act, the Boundaries of which are to be identical with those of the present Poor Law Unions, whenever practicable.

6 The fiscal Affairs of the Districts are to be managed by Councils. The Council of a District is to be composed of Wardens, elected by the Ratepayers of the several Electoral Divisions, and of the Magistrates resident within it. The Council is to be elected for Four Years; but Half of the elected Wardens are to go out of Office at the End of Two Years. There are to be Four General Meetings of the Council within the Year. The Council appoints an Executive Committee, having continuous Powers. The Members of the Executive Committee are to be paid their reasonable Expenses for Attendance.

24 The District Councils are to be Corporate Bodies.

15 to 19 The First Elections are to be made under the Superintendence of the Poor Law Commissioners, and in the same Manner as Poor Law Guardians are elected.

40 The Duties which are imperative on the District Council are as follows:

1. The Maintenance of the main Lines of Communication within the District:
2. To make Provision, by the Levy of sufficient Rates, for all County or District Charges or Expenditure.

41 The discretionary Powers of the Council are of Three Classes:

A. Powers which the District Council can only exercise with the Concurrence of the County Council; viz.

- 1st. The Execution of Works, at the Charge of the District, which have not heretofore been presentable by Grand Juries:

[Bill 110.]

a

2d. The

- Clauses. 2d. The Power of borrowing Money on the Security of the Rates :
- 3d. The Sanction of Works of private Enterprise for public Use, and for the Use of which Tolls or Rates of Payment are intended to be charged :
- 4th. The Sanction of Works of private Enterprise which are not for public Use, but by which the Public Interests may be affected :
- 42 B. Powers which the District Council can exercise independently of the County Council (except on Appeal), but which require the Assent of Two consecutive Councils of the District ; viz.
- The Execution of Works heretofore presentable by Grand Juries which it is proposed to execute at the sole Charge of the District :
- 52 to 62 C. Powers which can be exercised by the District Council, and in respect of which a Second Consideration by the Council is not required ; viz.
- Repairs of Roads and public Works. Contracts for maintaining Roads in repair. The Payment of Salaries, fixed Charges, Compensations, &c. &c.
- The Sanction of certain Works of private Enterprise which, though of public Utility, are not for public Use, and which do not involve any Charge on the District.
- 78 The Decisions of the District Council may be appealed against to the Council of the County :
- One Fourth of the Council may appeal against the Decision of the Majority :
- 81 The Wardens of any Electoral Division may appeal, at the Risk of their Division :
- 79 Any Ratepayer may appeal at his own Risk, but must give Security for the Payment of Costs if he fails in establishing the Cause of Appeal.
- 43 to 51 The general Mode of proceeding in respect of Applications to the District Council (if of the Class B.) is as follows :—The Application must be lodged in the Council Office Thirty Days before the Day of Meeting of the Council, and the Engineer of the District must prepare himself, by local Examination or otherwise, to be able to advise the Council in respect of it. If the Application shall be “approved” of by the Council, it is referred to the Executive Committee. The Duty of the Executive Committee in respect of the Application is, to ascertain, through the Engineer of the District, the Correctness of all the Details of the Plan, and the Cost of executing it, by entering into a Provisional Contract for its Execution, and to report to the Council their Opinion on the Application. The Council
- at

Clauses. at its subsequent Meeting, having before it the Report of the Committee, and a Contract for the Execution of the Work, may "grant" or "reject" the Application. If "granted," and not appealed against within Seven Days, the Work is to be proceeded with. If the Application be of the Class C. the Council grants or rejects the Application without previous "Approval," or deposes the Power of granting it to the Executive Committee.

52 to 62 If the Application be for a Work which requires the Assent of the County Council (Class A.) and that the Cost of the Work is to be charged on the District, the Executive Committee of the District obtains the Provisional Contract for its Execution, and forwards the Application, with the Contract, and any Report they may think proper to make in respect of it, to the County Office. If the Application be "granted" by the Council of the County, the Execution of the Work rests with the Executive Committee of District Council.

63, and 113 to 117 In respect of Works of private Enterprise, where an Application shall have received the Sanction of that Council which, under this Act, has the Right (except on Appeal) of final Approval of the Work, it is the Duty of the President, with the Assistance of the Assessor of the County, to superintend the Completion of the Security required by the Council for the due Execution of the Work, and for the Payment of all Costs, Compensations, or Damages attendant on it; to protect public as well as private Interests, by causing all the Requirements of this Act to be duly complied with by the Undertaker; and to sanction the Application of the several Acts of 1845 and 1847, referred to in this Act, or so much of these Acts as may be required, for the Execution of the Work; and also such Byelaws as may be required for the efficient Management of the Undertaking.

108, 147 The financial Affairs of the District are to be managed by the Council. The Rates required are to be levied as Poor Rates are levied; and in the Case of Leases or Lettings made subsequent to the passing of this Act, the Tenant may deduct from the Rent he pays the same Proportion of the Rate as under the Poor Law.

86 to 90 The Executive Committee of the District Council has Power to act in the Name and with the Authority of the Council, whenever such Power in respect of any Application shall have been so deputed to it by the Council. It has Power of suspending Officers of the District in Cases of Misconduct, and in Cases of Inability to discharge Duty it may appoint Officers provisionally. It prepares itself to advise the Council on all Questions which are to be brought before it, and superintends, with the Assistance of the Engineer of the District, all Works in progress. It also superintends the Collection of the Rates.

Counties.

Clauses.

91 The fiscal Affairs of Counties are to be managed by Councils, composed as follows :

Each District Council selects so many Deputies to the County Council as the Lord Lieutenant shall direct. The Magistrates of the
92 County select an equal Number of Persons, either of their own Body or otherwise, to represent them. The Persons so selected, together with the Lieutenant or Vice-Lieutenant of the County (if he be not also the President of the County) are to form the Council of the County.

94 The Council of the County is elected for Four Years. It is a
98 Corporate Body. It is to meet Four Times in the Year. It appoints
103 an Executive Committee, with Power to act in the Name and with the Authority of the Council. The reasonable Expenses of the Executive Committee while in attendance, and also their travelling Expenses, are to be paid by the County at large.

The imperative Duties of the Council of the County are :

- 103
1. To make Provision for and to maintain in a State of Efficiency all County Establishments and Public Buildings connected with the Administration of Justice, the Public Health, and the Preservation of Law and Order within the County ; and also to repair or rebuild, at the Charge of the County at large, all Bridges and Causeways the probable Expense of which shall exceed £200 :
 2. To make Provision for all fixed Charges to which the County is liable, and for Charges which any superior Authority has the Right to impose :
 3. To appoint proper Persons to discharge the several Duties for which the Council is responsible, and to assign sufficient Salaries to each :
 4. To decide Appeals against the Decisions of the District Council, and to hear and investigate Complaints which may be made against the Conduct of a District Council, when called on to do so by the President of the County.

104 The discretionary Powers of the Council of a County are, generally, to do all such Acts or execute such Works as Grand Juries had heretofore Power to do or execute, at the Charge of the County at large ; and with the Consent of a Majority of the District Councils within the County, to execute, at the Expense of the County at large, Works not heretofore presentable by Grand Juries, which the
105 Council shall consider requisite, either for the Convenience or Safety of the Public, the Promotion of Education or the Public Health, or for the Preservation of Law and Order within the County.

In

Clauses.

- 106 to 110 In respect of private Undertakings, where the Interests of Two or more Districts or of the County generally are affected, the Council of the County may sanction the Undertaking, without the previous Approval of the District Councils.
- 111 The Mode of proceeding in respect of Applications requiring the Assent of the County Council is, as nearly as the Case admits of, the same as that assigned for the Guidance of the District Council.
- 181 Appeals against the Decisions of the County Council are to be decided by the Administrative Council of the Lord Lieutenant.
- 118 to 121 The Financial Affairs of Counties are to be managed by their Councils; but Levies required for County Purposes are to be made through the District Councils.

Presidency of Counties.

- 128 to 163 The Duty of superintending the Operation of the Act within the County, and of carrying into effect the Decisions of the Council in respect of Works not heretofore subject to the Cognizance of Grand Juries, is vested in the President of the County.
- 146
- 131, 132 The President is assisted by a Vice-President, and also by an Assessor, who is to act as the legal Adviser of the several Councils within the County.
- 129 to 132 The President, Vice-President, and Assessor of the County are selected by the Lord Lieutenant from a List of Persons recommended for each Office by the County Council. Each is paid a Salary proportioned to the Extent of his District. They hold Office during the Pleasure of the Lord Lieutenant.
- 135 to 139 The Salaries payable to these Officers are to be paid out of such Funds as shall be supplied by Parliament for the Purpose, but One Half of the Amount so paid is to be made up by a Stamp Duty on all Applications laid before the Council.
- 134 The President appoints a Secretary, and also an Auditor of the Accounts of the several Councils.

The Administrative Council of the Lord Lieutenant.

There is to be an Administrative Council to the Lord Lieutenant.

- 183 The Administrative Council is to be composed of the Chief (or Under) Secretary of Ireland, the Lord Chancellor, Two Judges, the Chairman of the Board of Works, the Chairman of the Poor Law Commission, the several Presidents of the Counties, and Ten such other Persons as shall be selected by the Lord Lieutenant.
- 187 The Duties and Powers of the Administrative Council are to be in respect of the several Counties of Ireland the same as the Duties and Powers of the Councils of Counties are in respect of the several Districts within them.

Clauses.

- 181 It is a Court of Appeals from the Decisions of Councils of Counties, and can decide between Counties where their Councils disagree, and also between rival or competing Works:
- 188 Where any Undertaking by a Company or otherwise shall affect Two or more Counties, the Application is made in the first instance to the Administrative Council.
- 184 The Lord Lieutenant, as the Representative of Imperial Interests, may dissent from the Decision of the Administrative Council, but must assign Motives for his Dissent.
- 200 The Lord Lieutenant shall require the Presidents of Counties to report yearly on the State of their Counties, in such Form and on such Subjects as he shall direct ; their Reports, with his own Observations thereon, are to be laid before Parliament.
- 202 The Administrative Council has power to make Regulations for the Management of Lunatic Asylums and other public Establishments which are paid for by Rates levied within the several Counties. It has Power also to organize a System for obtaining Agricultural and other Statistics, and to hear and examine Complaints made against the Conduct of any Commissioners appointed by the Government, under any Act of Parliament, in respect of Drainages, Navigations, or other Works, the Cost of which is to be repaid by local or general Levies of Rates.
- 203

Note.—Several of the Clauses contained in the Bill under the Heading of “General Provisions” are to be transposed to other Parts of the Bill, in Committee.

The repealing Clause, the Interpretation Clause, and the Schedules are also to be added in Committee.



(Ireland.)

A

B I L L

TO

Relieve Grand Juries from Fiscal Duties, and to
place the Administration of local Affairs in
Ireland in elected Councils.

WHEREAS it is expedient to make Provision for the Admi- Preamble.
nistration of the local Affairs of Counties and Counties of
Cities and Towns in Ireland by Councils elected by the
5 Magistracy and the Ratepayers, and to give Facilities for the
Execution of Works of public Utility which now require the Consent
of Parliament: Be it therefore enacted by the Queen's most Excellent
Majesty, by and with the Advice and Consent of the Lords Spiritual
and Temporal, and Commons, in this present Parliament assembled,
and by the Authority of the same, as follows:

- 10 I. The Lord Lieutenant of Ireland shall within *Twelve* Months Lord Lieu-
after the passing of this Act divide the several Counties of Ireland tenant to
into Districts composed of Electoral Divisions as herein-after provided, divide Ire-
and shall publish in the Dublin Gazette the Names which he shall land into
assign to each District, and the Names of the Electoral Divisions of Districts.
15 which it shall be formed; and if at any future Time the Lord Lieu-
tenant and the Administrative Council herein-after constituted shall (See Cl.177.)
think fit to make any Alteration in such Districts or Electoral Divi-
sions, they shall be at liberty to do so by similar Publication in the
Gazette.

[Bill 110.]

A

II. Within

Fiscal Duties
of Grand
Juries when
to cease.

(See Cl. 91.)

II. Within *Twelve* Months after such First Publication, the Lord Lieutenant shall declare by a like Publication in the Dublin Gazette this Act to be in operation in Ireland, and so soon as County Councils shall have been elected under the Provisions of this Act as herein-after, the fiscal Duties of Grand Juries within the 5 Counties for which such Election shall have taken place shall cease, and all the Rights, Duties, Powers, and Privileges of Grand Juries in respect of fiscal Affairs shall devolve upon such Councils, and from such Period it shall not be lawful for any Grand Jury of any such County, at any Assizes or Presenting Term, to make any Presentment 10 for the Execution of any public Work or for raising or levying any Money, or to make any Presentment relating to any of the fiscal Concerns of such County.

Rights and
Duties of
Grand Juries
to devolve on
Councils.

III. All existing County Officers shall continue in the Discharge of their respective Duties, as well as in the Enjoyment of their present 15 Salaries, until they shall have been relieved from such Duties by the County Council, and from such Period their said Salaries shall cease; and all Property, whether Real or Personal, belonging to any County, and all Property belonging to any Grand Jury of a County, or held by any Person or Persons in trust for such County or Grand Jury, 20 and all Rights and Liabilities of such County or Grand Jury, or of any One or more Persons on its or their Behalf, in respect of any Contract or other Matter, shall, on the coming into operation of this Act in such County, be vested in the Council of such County; and all Actions, Suits, Indictments, or Informations which but for the 25 passing of this Act would have been conducted in the Name of the existing County Officers or of the Grand Jury of the County, or to which they would have been Parties on behalf of the County, shall be continued, and shall for the future be conducted in the Name of the County Council. 30

How Dis-
tricts are to
be formed.

IV. The Districts into which the several Counties shall be divided shall be as nearly as possible as follows; (that is to say,)

Every Poor Law Union the entire of which is in one and the same County shall be a District for the Purposes of this Act, unless it shall appear advisable to the Lord Lieutenant that any District 35 should be otherwise formed; and in any Case where a Poor Law Union shall be composed of Portions of more than One County, the several Portions thereof which are in different Counties may (Reference being had to their Size, Population, and Value) be either declared to be separate Districts, or the Electoral Divisions 40 thereof or any of them may be added to the most convenient Districts of the County within which they are situated, and thenceforward for all the Purposes of this Act they shall form Portions of such Districts respectively.

V. If

- V. If in any City or Town within a District any Local or Public Act for the Improvement of the City or Town be in operation, the Lord Lieutenant may exempt such City or Town from such of the Provisions of this Act as are provided for by such Local or Public Act, but if at any Time thereafter, if it shall be so desired by the Council or Governing Body of such City or Town, or by a Majority of the Ratepayers thereof, the Lord Lieutenant and the Administrative Council may withdraw such Exemption, and declare such City or Town to be in all respects subject to the Provisions of this Act, and in such Case the Operation of such Local or Public Act, except for the winding up of outstanding Accounts, shall cease and determine.

Exemption
of certain
Cities and
Towns.

Constitution of the District Councils.

- VI. The fiscal Affairs of the Districts so formed shall be managed by Councils constituted as follows :
- 15 Every Electoral Division within a District shall elect so many Wardens from among the Persons rated for the Relief of the Poor within such Division as the Lord Lieutenant shall, Reference being had to its Size, Population, and Value, direct, and thereafter the Number of Wardens so assigned to the Electoral Division
- 20 may be altered from Time to Time by the Lord Lieutenant and the Administrative Council :
- The Wardens so elected shall, together with the Justices of the Peace resident within the District, form the Council of the District, so nevertheless that there shall not be at any Time a less
- 25 Number of Justices in the Council than of elected Wardens, but no Stipendiary Magistrate, unless he be rated in respect of Property other than his Residence or the Lands attached thereto, shall act as Member of any Council within the County in which he is stationed.
- 30 VII. If there shall not be Justices residing within the District equal in Number to the Wardens elected, the deficient Number shall be supplied as follows ; (that is to say,)
- First, by Justices directly liable to the Payment of Rates within the District, in priority according to the Value of the Property in
- 35 respect of which they appear by the Rate Books to be liable to such Payment, such Value not being less than *One hundred Pounds* per Annum ; and,
- Secondly, if the Number of Justices be still deficient, then by the Addition of such Justices as shall appear by the Rate Books to
- 40 be Owners of Land within the District, in priority according to the Value of the Lands of which they appear to be Owners.

Fiscal
Affairs of
Districts.

Wardens to
be elected.

Justices to
be appointed.

Number of
Justices, how
to be sup-
plied.

Qualification
of Wardens.

VIII. Every Male Person shall be eligible as a Warden who shall appear by the Rate Books to be an Occupier or Owner of Property within the District, provided he be over Twenty-one Years of Age, be a Person of good Repute within his Division, and shall not within *Three* Years have been convicted of any Offence involving Fraud or Dishonesty, or been judicially declared a Bankrupt or an Insolvent: Provided always, that no Person shall be eligible to be a Member of any Council at the same Time that he is Clerk, Engineer, Treasurer, or other Officer of such Council. 5

Female Oc-
cupiers may
depute
Rights.

IX. Any Female Owner or Occupier of Property within a District may depute to any Male Relative residing with her or engaged in the Management of her Property all the Rights, whether of voting or of Eligibility to Office or otherwise, which attach to Ownership or Occupancy under this Act or under the Poor Law Acts, such Deputation to be made in Writing, and lodged with the Clerk of the District previous to the Election; and such Deputation shall be revocable at pleasure, and may then be given in a similar Manner to any other Male Relative or Person engaged as aforesaid; but if any Person shall have been elected as a Warden in virtue of such Deputation, he shall not be disqualified from continuing as Warden for the Time for which he was elected by reason of such Deputation having been revoked. 10 15 20

Justices
required to
make Decla-
ration.

X. In making up the Lists of Justices who may act upon the Council, no Justice shall be included who shall not have previously assented thereto by signing a Declaration to the Effect that he is willing to undertake the Duties of District Councillor, and that he will perform such Duties assiduously, and without Fear, Favour, or Affection, and no Warden shall take part in the Proceedings of the Council who shall not have made and signed a similar Declaration. 25

Wardens
also.

Members of
Council
elected for
Four Years,
One Half
going out of
Office every
Two Years.
(See Cl. 92.)

XI. The Members of the Council so appointed shall be elected for *Four* Years, but so many of the elected Wardens as shall constitute One Half at least of the entire Number of elected Wardens shall go out of Office at the End of the Second Year after their Election: Provided always, that the Chairman and Deputy Chairman of the District, and also the Deputies to the County Council as herein-after, if they or either of them be elected Wardens, shall be exempt from such Liability to go out of Office. 30 35

Who are to
go out of
Office.

XII. The Determination of the Wardens who shall go out of Office shall be by Ballot, and Notice shall be given to the Ratepayers of the Division whose Wardens or any of them are to retire from the Council, and a Day shall be appointed by the Chairman of the District for 40

for receiving new Nominations; but if on the Day so appointed no other Person shall have been duly nominated by at least *Ten* Rate-payers of the Division to supply the Place of the outgoing Warden, he shall continue to act for the entire Period for which he was elected.

- 5 XIII. In case of the Death or Resignation of any Warden, or in case that a Majority in Value of the Ratepayers of any Electoral Division, as ascertained by the Rate Books, shall be dissatisfied with the Conduct of their Warden or Wardens, and shall sign a Requisition to the Council requiring that a new Election shall be held, the Council
10 shall direct that the said Warden be discharged from his Office, and that a new Election be held for a Warden in his Room; and the Person so elected shall, subject to the Ballot as herein-before provided, hold Office during such Time as the discharged Warden would have done had he not been so discharged.
- 15 XIV. If a Justice whose Right to act as a Councillor arises from Residence ceases to reside within a District, or if any non-resident Magistrate lose the Qualification in respect of which he acts, he shall thereby cease to be a Councillor; and if any Warden ceases to be an Owner or Occupier within the District, he shall thereby cease to be a
20 Councillor; and if any Councillor be judicially declared a Bankrupt or Insolvent, or be convicted of any Offence involving Fraud or Dishonesty, he shall cease to be a Councillor.
- How Wardens are to be replaced.

Justices and Wardens how disqualified.

Bankrupts disqualified.

Election of Warden.

- XV. The First Election of every District Council shall be made
25 under the Direction and Supervision of and at such Time and Place as may be appointed by the Poor Law Commissioners; and they shall issue Orders to the Clerk of the Union forming such District, or of the Union which comprises the greater Number of the Electoral Divisions of the District, to act as Returning Officer at such Election, and to
30 receive Nominations, to cause Voting Papers to be distributed and collected, and to declare those Persons elected Wardens who shall have received the greatest Number of Votes, in the same Manner, as nearly as may be, as if the Election were for Guardians of the Union; and all Questions which shall arise during the Election, or in respect
35 of the Returns, as well of Wardens as of Magistrates, shall be decided finally by the said Commissioners.
- First Election of Councillors under Direction of Poor Law Commissioners.

- XVI. The Qualification of Voters for Wardens under this Act shall be the same as that of Voters for Poor Law Guardians under the Poor Law Acts; and there shall be the Right of voting by Proxy,
40 and of a Plurality of Votes according to rating, to the same Extent and in the same Manner as under the Poor Law Acts.
- Qualification of Voters.

How Jus-
tices to be
supplied, if
not resident.

XVII. The Poor Law Commissioners shall at such First Election direct the Clerk of each Union to ascertain the Number of Justices resident within the District who may be willing to act as Members of the District Council; and if the Number of Magistrates resident within the District, and who shall assent to act, shall not equal the 5 Number of elected Wardens, then the said Commissioners shall cause Notice thereof to be given to such other Magistrate as shall appear by the Rate Books to be rated or to be Owners of Land within the District, and shall inquire whether they be willing to act as Members of the Council, and of those who shall within the Time specified by 10 the Commissioners have assented to act they shall direct the Clerk to select the Number required according to the Right of Priority herein-before set forth.

When Dis-
trict is com-
posed of
Portions of
several
Unions.

XVIII. Where any District shall consist of Electoral Divisions within different Unions, the Commissioners shall direct the Clerks of 15 the several Unions to which such Electoral Divisions shall belong to furnish to the Returning Officer of the District a Copy of so much of the Rate Books of the Union as shall relate to such Electoral Division or Divisions, and a Statement of the Names and Residences of the Justices connected therewith, and of the Proxies in the Hands of such 20 Clerks which would be available at the Time being for the Election of a Guardian of such Division.

Complaints
against Re-
turns to be
decided by
Poor Law
Commis-
sioners at
First Elec-
tions.

XIX. The Poor Law Commissioners on such First Election shall hear all Complaints against the Return either of Wardens or of Jus- 25 tices, and may order new Elections, or that the Names of other Magistrates shall be substituted for those selected by the Clerk, and so soon as *Three Fourths* at least of the Elective Members of any Council shall appear to them to have been duly elected, they may declare such Council to be formed, and competent to act, and may direct the Clerk to summon the Wardens so declared to be duly 30 elected, and the Magistrates returned as Members of such Council to meet for the Transaction of Business on a Day appointed, and the First Meeting shall be held in the Board Room of the Guardians of the Union, unless otherwise directed by the Commissioners, and the Clerk shall preside thereat until a Chairman for the Day shall have 35 been elected, and subsequently shall act as Clerk of the Council until a Clerk of the District as herein-after provided shall have been elected.

(See Cl. 29.)

At future
Elections
Clerk of the
District to
act as Re-

XX. At all subsequent Elections the Clerk of the District Council shall act as Returning Officer for the Election of Wardens 40 and Selection of Justices, and shall proceed therein in all respects as nearly as possible as Clerks of Unions are directed to proceed in respect

respect of the Election of Guardians: Provided always, that the Rate Books which shall determine all Rights of voting, and the Selection of the Justices, shall be the Rate Books of the District, and not those of the Union.

turning
Officer.

- 5 XXI. In order to ensure as nearly as may be an Uniformity of System in the Election of Wardens and of Guardians, the Poor Law Commissioners shall furnish to each District Council Copies of their existing Orders and Regulations in respect of Elections, and from Time to Time, if any new Orders or Regulations relating thereto shall be issued, shall also furnish Copies thereof to the Clerk of each District Council, for his Guidance in any subsequent Election.

Poor Law
Commission-
ers to furnish
Councils
with Copies
of their
Rules.

- XXII. Every Complaint against the Return either of a Warden or of a Justice shall, after the First Election, be made to the President of the County, to be appointed as herein-after, who may authorize the Council to correct any Errors which shall be patent on an Inspection of the Voting Papers or of the Rate Books, and may declare the Person who ought to have been returned as Warden or Justice; and in case it shall appear to him that the Returning Officer, or those employed under him, has or have been guilty of Fraud, Partiality, or wilful Misconduct, or of culpable Negligence, or that the Return was obtained through Violence or Intimidation, he may direct that the Complaint shall be investigated by the Assistant Barrister within whose Jurisdiction the District may be situated, and in such Case the Assistant Barrister shall have Power to declare the Election void, or to declare the Warden or Magistrate elected who shall appear to him to have been duly elected; and in case it shall appear to the Assistant Barrister that any Person has been guilty of Fraud, Partiality, or of wilful Misconduct in respect to such Election or Return, or that any Person has caused or taken Part in causing an undue Return, through Fraud, Violence, or Intimidation, it shall be lawful for the Assistant Barrister to impose a Fine not exceeding *Fifty Pounds* on such Party, or to order him to be imprisoned for any Term not exceeding *Three* Calendar Months.

After First
Election
Complaints
to be decided
by Presi-
dent of the
County, or
by the As-
sistant Bar-
rister.
(See Cl. 128,
et seq.)

- XXIII. Every Complaint so directed by the President of the County to be investigated shall be brought before the Assistant Barrister in the Form of an Information, in which the Facts relied on shall be verified on Oath before a Magistrate, who shall take the usual Course to compel the Appearance of all Parties charged with any of the Offences aforesaid, and of all Persons whose Evidence may be requisite to substantiate the Charge before the Assistant Barrister at the next Sessions of the Peace for the District; and the Facts alleged in such Information shall be heard and determined on by the Assistant

How Com-
plaints are to
be brought
before the
Assistant
Barrister.

Barrister as any other Case of Criminal Proceeding, and he shall have Power to determine by whom the Costs of the Proceedings shall be paid.

The District Council.

District
Council to be
a Body Cor-
porate.

XXIV. The Council of every District shall be a Body Corporate 5
under the Title of "The Council of the District,"
and shall have perpetual Succession and a Common Seal, and may
sue and be sued and may acquire and hold Lands as a Corporation,
and shall have and be subject to all other Rights, Privileges, and
Liabilities attaching to a Body Corporate. 10

Chairman,
Deputy
Chairman,
and Execu-
tive Com-
mittee to be
appointed.

XXV. The District Council so constituted shall, at its First Meet-
ing or at some Adjournment thereof, elect a Chairman and a Deputy
Chairman of the District, and shall also appoint an Executive Com-
mittee of the Council, consisting of not less than *Five* nor more than 15
Nine Members, whose reasonable Expenses in respect of their Atten-
dance on the Committee shall be paid out of the District Rates; and
the Chairman and Deputy Chairman of the District shall be ex officio
Members of the Committee, and the Clerk of the Council shall be the
Clerk of the Executive Committee.

Chairman
to have a
Casting Vote.

XXVI. The Chairman, or in his Absence the Deputy Chairman, 20
shall preside at all Meetings of the Council or of the Committee; but
if neither be present, a Chairman for the Day shall be elected; and
the Chairman at every Meeting shall have a Casting Vote when there
shall be an Equality of Votes, in addition to his own Vote.

Declaration
to be made
by Council-
lors.

XXVII. Every Member of the Council shall, before he shall act as 25
such, take and subscribe the Declaration following:

' I A.B. do solemnly declare, That I will act as a Member of the
' Council of the District without Fear, Favour, or Affection,
' and that it is my Intention, unless prevented by sufficient Cause,
' to attend the Meetings thereof punctually.' 30

Chairman
or Deputy
Chairman,
how to be
removed.

XXVIII. The Chairman and Deputy Chairman shall be elected
for the *Four* Years for which the Members of the Council were
originally elected, and shall continue in Office for such Period, unless
he or they shall resign, or be disabled from Attendance by Illness
or other Cause, or be removed from Office by the Decision of *Three* 35
Fourths at least of a Council specially convened by the Clerk for the
Purpose on the Requisition of Ten Members of the Council; and in
such Case another Chairman or Deputy Chairman shall be elected,
who shall continue in Office for the Remainder of such Time as the
Chairman

Chairman and Deputy Chairman so incapacitated or removed would but for such Incapacity or Removal have continued in Office.

XXIX. The Council shall, as soon as may be, appoint a Clerk of the District, an Engineer or Surveyor of Works, and a Treasurer, and
 5 then or subsequently such other Officers or Servants as may appear to the Members of the Council requisite for the due Performance of their Duties, and the proper Management of the fiscal Affairs of the District, and shall also determine the Salaries which shall be paid to each : Provided always, that no Person shall be appointed as Engineer
 10 or Surveyor of Works of a District under this Act unless he shall previously have been examined by a Board of Engineers to be appointed for the Purpose by the Lord Lieutenant, and have received from them a Certificate of Competence to act as an Engineer ; nor shall any Person so appointed be liable to be removed from his Office,
 15 except by the Decision of a Majority of *Three Fourths* of the entire Council, and that such Decision shall have been approved of by the Lord Lieutenant.

XXX. The Treasurer, the Clerk of the District, the Engineer or Surveyor of Works, and the Collectors of Rates shall each give such
 20 Security for the due Performance of their respective Duties as may be determined on by the Council, and the Chairman of the District shall be responsible for the due Completion of these Securities, and for their Delivery to the President of the County, to be by him kept as herein-after provided.

XXXI. The District Council shall determine where their Meetings and those of the Committee shall be held, and where their Clerk and Engineer shall have their Offices ; and if there shall be no County Building within the District which with the Consent of the County Council, but not otherwise, can be conveniently arranged and allocated
 30 to such Purposes, the said District Council may in such Case hire a convenient Building for these Purposes, and so long as such Building shall be so used, it shall be called " The Council Office of the District ;" but if after this Act shall have been in operation for *Two* Years the District Council shall consider it expedient to build a new District
 35 Council Office, they may either take on Lease or purchase Land for the Purpose, and may for such Purpose, and with the Consent of the President of the County, have recourse to the Provisions of the " Lands Clauses Consolidation Act, 1845," to enable them to purchase the Land required, and may erect a suitable Building thereon, which
 40 thenceforward shall be the Council Office of the District, and they may, with the Consent of the President of the County, borrow Money on such Terms as he shall approve of for the Purchase of the Land

or for the Erection of the Building. and they may levy Rates as hereinafter, for the Repayment by Instalments or otherwise of the Principal Sum or Sums so borrowed, and of the accruing Interest thereon.

XXXII. There shall be Four General Meetings of each District Council during the Year, and the Days on which such Meetings shall be held shall, after the First Meeting, be appointed yearly by the Council of the County of which such District shall form Part, but the Chairman of a District, or in his Absence the Deputy Chairman, on the Requisition of the Engineer or of a Majority of the Executive Committee, in any Case of Emergency, may convene a Special Meeting of the Council, which Special Meeting, so far as the Object for which it is convened is concerned, shall have the same Powers as the Council of such District at any ordinary Meeting would have; and the Cause for such Special Meeting being convened shall be stated in the Summons which the Clerk shall issue to each of the Members of the Council, and such Summons shall be issued Ten Days at least before the Day appointed for such Special Meeting, and the Council shall have Power to adjourn any Meeting, either to a Day named or to a Day to be named by the Chairman.

XXXIII. The Meetings of the Council and of the Executive Committee shall be held in public, but they may deliberate on any Question, and decide thereon in private; and the Council and Committee shall have all Powers of maintaining Order at their Meetings, and of administering Oaths which a Court of Petty Sessions now has or may have hereafter; and any Order, Warrant, or Committal, signed by the Chairman of the Day, by Direction of the Council or of the Committee, in respect of the Maintenance of Order, shall be obeyed by the Constabulary and all others as if such Order, Warrant, or Committal had been issued by the Chairman of a Bench of Magistrates in Petty Sessions assembled; and if any Person shall wilfully swear falsely before the Council or the Committee, he shall be liable to such Punishment as by the Laws for the Time being in force relating to Perjury can or may be awarded to Persons guilty of wilful and corrupt Perjury.

XXXIV. The Clerk of the District shall keep Minutes in Writing of all the Proceedings of the Council and of the Executive Committee, and such Minutes, when signed by the Chairman of the Day, shall be Evidence in all Courts of Justice of the Decision of the Council and of the Committee; and any Ratepayer of the District may, on procuring an Order to that Effect from a Warden or Justice, inspect such Minutes, and take any Extract therefrom; and also any Ratepayer may, on Payment of the Sum of *One Shilling*, require a Copy of the Minutes of the Proceedings of any specified Day, or of any Portion

Portion thereof; and the Clerk shall furnish such Copy to him, and shall certify in Writing the Correctness thereof; and such Copy so certified by the Clerk, shall be Evidence in all Courts of Justice of the Proceedings of the Council or of the Committee, or of such
5 Portion thereof as it relates to.

XXXV. The Council shall have Power to frame Regulations for the Conduct of its Proceedings, which when once adopted shall not be altered, except by the Decision of a Meeting specially called for the Reconsideration of such Regulations: Provided always, that until
10 other Regulations shall have been decided on the Council shall follow, as nearly as may be, the Orders and Regulations issued by the Poor Law Commissioners for the Guidance of Boards of Guardians.

Power of Council to make Regulations.

XXXVI. No Member of the Council shall be directly or indirectly engaged in any Contract with the Council, under a Penalty of *One*
15 *hundred Pounds*, to be enforced by Action in any of Her Majesty's Superior Courts of Law at Dublin: Provided always, that a Member of the Council may be Surety for the due Performance of any Work, or for the Performance of his Duties by any Officer herein required to give Security; but in no Case shall any Member of the Council,
20 becoming such Surety as aforesaid, vote or take Part in or be present at any Proceeding or Discussion of the Council in relation to the Work or the Performance of the Duties in respect of which he has become such Surety.

Members of Councils not to be engaged in Contracts.

XXXVII. If either the Chairman or the Deputy Chairman of the
25 District be present *Five* Members of the Council shall form a Quorum, but in the Absence of both the Chairman and Deputy Chairman *Seven* Members of the Council shall be required; and if within *One* Hour of the Time appointed for any Meeting a Quorum of the Council or of the Committee shall not have assembled, the Clerk shall adjourn
30 the Meeting until the Day Week following, and shall give public Notice thereof, and also a special Notice to every Member of the Council or of the Committee.

Quorum of Council.

Adjournment of Council.

The Duties of the Clerk of the District Council.

XXXVIII. The Duties of the Clerk shall be—
35 To record all the Proceedings of the Council and of the Executive Committee:
To preserve and produce, when required either by the Council or the Executive Committee, all Documents of any Kind which have been laid before or are intended to be laid before the Committee:
40 To countersign and seal with the Seal of the Council all Orders of the Board or the Committee:

Duties of Clerk of the District.

- To send a Copy of all Decisions of the Council and of the Executive Committee to the President of the County :
- To take immediate Steps to carry into effect any Orders of the Council or of the Committee :
- To lay before the Council or the Committee all Applications which shall be lodged in his Office for the Purpose of being laid before the Council or the Committee, and all Documents connected therewith : 5
- To number and classify all Applications intended to be laid before the Council, and to have them printed and published within the Time and in the Manner required herein-after : 10
- To prepare the Rate Books and all Documents requisite for the Collection of Rates :
- To keep the Accounts of the District ; to draw out and lay before the Council quarterly a Statement of the Financial State of the District ; and to ascertain weekly the State of the Collection, and of the Treasurer's Accounts, and, if it be requisite, to call the Attention of the Chairman or Deputy Chairman thereto : 15
- To execute all Orders of any superior Authority under this Act.

The Duties of the District Engineer.

20

Duties of
Engineer of
the District.

XXXIX. The Duties of the Engineer shall be—

- To report to the Council at their Quarterly Meetings on the State of all the Main Roads, and the Bridges and Works connected therewith, and of the several Jetties, Piers, or Landing Places within the District, which it is the Duty of the Council as hereinafter to keep in repair, and of such other Roads as may have been placed under Contract or which may have been repaired by Order of the Council, and to make such Applications to the Council in respect thereof as he may consider requisite for their Maintenance in sufficient Repair : 25
- To report quarterly, or forthwith in case of sudden Damage or Emergency, to the Chairman of the County, on the State of all County Roads and Bridges, and Works connected therewith, and of all County Buildings within the District : 30
- To receive and investigate all Complaints which shall be made to him in respect of the State of Repair of any Road, Bridge, or any public Work, by any Warden or Magistrate, and to report thereon to the Council : 35
- To prevent Encroachments on public Roads :
- To examine all Applications intended to be submitted to the Council, and to have such Surveys or Examination made as shall enable him to advise the Council thereon : 40
- To prepare such Plans, Specifications, and Estimates as may be ordered by the Council, and to verify, by Survey or otherwise, all

all Plans and Specifications laid before the Council, and to examine and report on the Estimates :

To prepare and lay before the Council quarterly a Statement of the Length of Roads under Contract, and of the State of the several Works in progress :

To obey the Orders of the District Council and of the Executive Committee, so far as they shall not be repugnant to any Orders he may have received from any superior Authority under this Act.

Imperative Duties of the District Council.

10 XL. The Duties which shall be imperative on the Council of the District shall be—

Imperative
Duties of
Council.

To keep in sufficient Order and Repair all Roads within the District, and the Bridges and other Works connected therewith, where such Roads are main Lines of Communication between Market Town and Market Town, whether such Towns be within the District or not, or between a Market Town and a Pier or Landing Place on any Harbour, Canal, or navigable River, except as herein-after, in respect of Bridges and Causeways the probable Cost of rebuilding or repairing which shall be estimated to exceed

20 *Two hundred Pounds :*

On the Application of the Wardens of an Electoral Division, to repair and maintain all other Roads within their Division which have been heretofore made or repaired by Presentment :

25 To maintain in repair all such Jetties, Piers, or Landing Places within the District as have been made or repaired by Presentment or by any public Board, and the Cost of repairing or maintaining which has been heretofore borne by any Barony :

To make Provision, by the Levy of sufficient Rates, to be made as herein-after directed, for the Payment of the Salaries of all Officers of the District, and of all Expenditure ordered or sanctioned by the Council or the Executive Committee, and of the Proportion of the County Expenditure which under the Warrant of the Chairman of the County shall be required from the District :

35 To obey and carry into effect all such Orders as any Superior Authority is, under the Provisions of this Act, authorized to issue :

To make Compensation for any malicious Injury to Property within the District, in respect of which Compensation would have been heretofore chargeable against any Barony or any Portion of a Barony, when the Amount of such Compensation shall have been ascertained as herein-after provided :

40 To make Provision by Rates for the Repayment of Loans and the Interest thereof, for the Expenses of Valuation and Registration within the District, and for the Payment of all Charges which the Lord Lieutenant shall lawfully impose on the District or any Portion thereof.

45

Discretionary Powers of the District Council.

Discretionary Powers of the Council in respect of new Roads and other Works.

XLI. The discretionary Powers of the District Council shall be—

To make new Roads and Bridges and all the Works connected therewith, and to alter and improve or maintain existing Roads and Bridges, to stop up old Roads, and to do all such Matters and Things connected with the Roads and Bridges or other Works connected therewith of the District as shall appear to the Council to be for the Convenience or Safety of the Public, or the Advantage of the District : 5

To alter and improve the Course of Rivers so as to diminish the Probability of Danger or Inconvenience to the Public, or of Injury to the Roads or Bridges of the District from Floods : 10

To make and maintain Piers, Jetties, or Landing Places on any Harbour, Canal, or navigable River, and Trackways by the Side thereof : 15

To order Surveys and Maps of the District :

To determine the Allowance which shall be paid to the Members of the Executive Committee for their Attendance in Committee, and also the Conditions under which such Payment shall be claimed by the Members thereof : 20

To sanction Works to be executed at the sole Expense of One or more Electoral Divisions :

To sanction Works of private Enterprise, which are calculated to promote the general Interests of the District. 25

Powers of District Council subject to the Assent of the County Council.

Subject to Assent of County Council,—
To execute Works not heretofore presentable by Grand Juries.

XLII. Subject to the Assent of the County Council, as hereinafter provided, the Council of the District shall have Power :

To execute any Work or do any Act not heretofore made or done on a Presentment by a Grand Jury, which it shall deem to be for the Convenience or the Advantage of the District or for the Safety of the Public, or for the Promotion of Education, or for the Public Health, or for the Maintenance of Law and Order within the District, and to levy Rates for carrying into effect all such Objects : 30 35

To raise Money on Mortgage of the Rates.

To raise Money by Mortgage of the Rates of the District for the Execution of any Work, or for the carrying into effect any of the Provisions of this Act; provided that at no Time shall the Principal Sum due by the District exceed *One Twelfth* of the Valuation thereof, and also provided that there be Provision made in every Mortgage for the Repayment of the Principal Sum borrowed, together with Interest, by Instalments not extending over a Period of more than *Ten* Years : 40

To

To approve of the Construction by private Undertakers of Works of public Utility, and to sanction the Tolls or Rates of Payment which may be charged by the Undertakers for the Use thereof, and with the like Assent from Time to Time to alter such Tolls or Rates of Payment, or to undertake the Execution of any Portion of such Works, or to guarantee such an Amount of Interest on the Expenditure as may be agreed on:

To approve of certain private Undertakings in respect of which Tolls may be charged.

To approve of any private Undertaking for the Embankment of Waste of Sea or River, the straightening or deepening of Rivers either for Purposes of Navigation or the Prevention of Injury to Property from Floods, or similar Works of private Enterprise which shall seem to be for the Advantage of the Public or for the Improvement of the District, and may authorize the Undertakers of such Works to have recourse to the Provisions of the Lands Clauses Consolidation Act, 1845, to enable them more effectually to carry out such Works:

To approve of certain other private Undertakings.

To approve of Undertakings to supply Towns with Gas, under "The Gasworks Clauses Act, 1847;" or Water, under "The Waterworks Clauses Act, 1847;" or for the Improvement or Formation of Harbours, Piers, or Docks, under "The Harbours, Docks, and Piers Clauses Act, 1847;" or for the Establishment of Fairs and Markets, under "The Markets and Fairs Clauses Act, 1847," subject, however, to the Payment of Compensation to the Owner of any Fair or Market whose Rights may be affected thereby, the Amount of such Compensation being ascertained according to the Provisions of "The Lands Clauses Consolidation Act, 1845;" and also for the Formation of Cemeteries, under "The Cemeteries Clauses Act, 1847."

To sanction the adoption of certain Acts of 1845 and 1847.

Mode of Proceeding.

The Mode of proceeding in the District Council shall be as follows, where the ultimate Decision on an Application (except on Appeal) rests with such District Council:

XLIII. Every Application which is intended to be submitted to the District Council shall be made as near as may be according to One of the Forms given in the Schedule (A.) to this Act annexed, and shall, with any Plans or Specifications which are connected with it, be lodged in the Office of the Clerk *Thirty Days* at least before the quarterly Day of Meeting of the Council.

Mode of Proceeding.

XLIV. The Clerk shall classify and number all such Applications, and shall separate the Applications then first made from those which are to be finally decided on as herein-after directed, and shall, *Twenty Days* at least before the Day of Meeting, send a List thereof to every Member of the Council, and *Two Copies* of such List to every Postmaster within the District, to be by them kept for public Inspection,

Application to be classified and published.

and One or more Copies shall be sent to such Person or Place within every Electoral Division as the Council shall direct ; and any Person, may require a Copy of such List, on Payment of the Sum of ; and all Applications and Plans and Specifications so lodged may be examined by any Ratepayer during *Ten Days* 5 previous to the Meeting of the Council.

To be examined by the Engineer of District.

XLV. The Engineer of the District shall examine the several Applications so lodged, and the Plans and Specifications connected with them, and shall, by personal Inspection or otherwise, prepare himself so as to be able to advise the Council or the Executive Committee thereon whenever he shall be required by them so to do. 10

Council may approve of Application when Plans are lodged, and subsequently grant.

(See Cl. 69.)

(See Cl. 78. et seq.)

When Plans are not lodged.

XLVI. If the Application shall be accompanied by Plans and Specifications, the Council may approve of it generally, or with such Modifications or Alterations as they may determine on, or may disapprove of it, and if approved of they shall refer it to the Executive Committee, with Directions to obtain a provisional Contract for the Execution of the Work ; and so soon as the Executive Committee shall be satisfied by the Report of the Engineer with respect to the Correctness of the Plans and Specifications lodged they shall proceed to obtain Tenders for the Execution of the Work, and so soon as a sufficient Contract shall have been provisionally completed for the Execution of the Work they shall direct the Clerk to give Notice, as herein-before provided, that the Application, along with such provisional Contract, will be brought before the Council at its next Meeting, for its final Decision ; and the Council shall grant or reject the Application, and shall approve or disapprove finally of such Contract, as they shall think fit, subject, however, to the Right of Appeal herein-after given. 20 25

XLVII. If the Application be not accompanied by Plans and Specifications, the Council may assent to it generally or conditionally, and may refer it to the Executive Committee to have Plans, Specifications, and Estimates prepared in respect of it by the Engineer of the District ; and the Executive Committee shall bring the Application for the Work before the Council, in their own Name, in the same Form and Manner as other Applications may be made ; and at the ensuing Council such Application may be approved of or be rejected, and if approved of it shall be referred back to the Executive Committee to obtain provisional Contracts for the Work as herein-before provided ; and after such have been obtained, the Application, along with such provisional Contracts, shall be brought before the following Council for final Adoption or Rejection, in the same Manner as herein-before provided, and subject to the same Right of Appeal. 30 35 40

XLVIII. If

Works of
Urgency.

XLVIII. If any Work be applied for by the Chairman of the District and the Executive Committee as a Work of Urgency, and that the probable Cost of such Work shall be estimated by the Engineer of the District to be less than *One hundred Pounds*, and that
 5 the Council shall determine by a Majority of *Three Fourths* of the Members present that it is a Work immediately required for the Public Safety, the Council may, conditionally or otherwise, direct the Executive Committee to obtain Tenders and conclude Contracts for the Execution of the Work, and to have it executed without its being
 10 again brought before the Council; provided always that Notice shall have been given in the Lists of Applications that the Work is applied for as One of Urgency; and in all such Cases an Appeal may be brought against the Work, as in other Cases, unless the President of the County shall be satisfied by the Report of the County Engineer
 15 thereon that Public Safety would be endangered by delaying till the Appeal should be heard by the Council of the County, in which Case he may direct the Engineer of the District to proceed with the Work, notwithstanding such Appeal, and such Appeal shall be null and void, so far as the Order of the President shall be to the contrary
 20 thereof.

XLIX. If the proposed Work shall affect Two Districts in the same County, the Application for the Portions of it in each District shall be brought before the Council of each District, and shall be disposed of in the same Manner as an Application for a Work within a
 25 single District; and if either Council shall in the first instance disapprove when the other approves, or in the last Stage of the Application shall reject when the other grants it, the Application shall be brought before the County Council, and the Decision of the County Council thereon shall be received and acted on by the
 30 District Councils and their Officers and Executive Committee as if such Decision had been the Decision of the several District Councils before which the Application was brought.

Where Two
Districts are
affected in
the same
County.

L. If the Application shall affect Districts in different Counties, and if their respective District Councils shall not agree, the Council
 35 or the Executive Committee of the District which shall approve of the Application may appeal to the Council of the County in which the dissentient Council is situated, and the Decision of such County Council thereon shall be imperative and binding on the District Council; and if such County Council shall have so decided the
 40 District Council shall be held to have approved of or granted the Application, as the Case may be.

If in diffe-
rent Coun-
ties.

Roads on
Border of
Districts or
Counties.

L.I. If a Road or Bridge shall be on the Boundary between Two Districts, the Council of either District may, by Agreement with the Council of the other District, have Charge thereof, and recover from it a proportional Part of the Costs of keeping it in repair, or, in the Case of a Bridge, of rebuilding it if necessary; and the President 5 of the County shall have Power to determine any Question which may arise thereon, or, if need be, may refer the Question to Arbitration, and may require the Council of either District to act according to the Decision of the Arbitrator; and if the Road or Bridge shall be on the Boundary between Two Counties, the Presidents of the respective 10 Counties shall determine by what District or Districts such Road or Bridge shall be kept in repair, and the Proportion in which each District shall contribute towards the Cost thereof.

In the following Cases it shall not be requisite that the Application should be brought a Second Time under the Consideration 15 of the Council, unless the Council shall determine otherwise :

Repair of
Roads;
Contracts,
&c.

L.II. If the Application be for the Repair of any Road or public Work heretofore made or repaired, or erected at the Expense of the District, or for the Maintenance of any Road in repair by Contract for any Number of Years (which shall not exceed *Five Years*), the 20 Council may grant the Application, without previous Approval, on such Conditions as it may annex thereto, and shall refer it to the Executive Committee, with Power to complete a Contract for the Execution of the Work on the Conditions annexed, either with the Applicant or with any other Contractor. 25

Advances
on account
of Works in
progress.

L.III. If the Application be for the Payment of Money alleged to be due in respect of any Contract, or for any Advance on account of a Work in progress, or for the Payment of any Work done, the Council may deal with the Application as seems right, and grant or reject it, or may refer the Matter to the Consideration of the Execu- 30 tive Committee, to be by them finally decided on: Provided always, that the Applicant shall have a Right of Appeal against such Decision, (See Cl. 76.) in the same Manner as is herein-after provided in Cases of Claim for Compensation.

Fixed
Charge on
District, and
general Ex-
penditure of
Council.

L.IV. If the Application be for the Payment of any Charge upon 35 the District, assessed on it by the Commissioner of Valuation, or by the Lord Lieutenant in pursuance of any Powers vested in him by this Act, or on account of the Repayment of any Loan, with the Interest thereon, or for Registration Expenses, or for the Payment of any Debt, Damages, or Costs imposed by any competent Tribunal, or 40 for any Expenditure sanctioned by the Council or the Executive Committee, the Council may grant such Application forthwith.

L.V. The

- LV. The Council of the District may sanction the Execution of any Work of public Utility within an Electoral Division, at the sole Expense thereof, which shall be applied for by so many of the Rate-payers of the Division as shall together have paid or been liable to pay *One Half* at least of the last Rate apportioned on the Division, and who shall have signed an Assent that the Cost thereof shall be borne by the Electoral Division alone; and such Work shall be executed and paid for as other public Works within the District, but the Cost thereof shall be added to the Rates of such Division.
- 10 LVI. If the Owner or Owners or the principal Occupiers of Lands within a District shall desire to undertake the Irrigation or Warpage of his or their Lands (the Quantity of Land so to be irrigated or warped not being less than *Fifty Acres*), or if he or they shall desire to drain any Portion of his or their Lands (not being less than *One hundred Acres*), or if he or they shall desire to reclaim or bring under Cultivation any Quantity of Waste Land (not being less than *Two hundred Acres*) he or they may apply to the District Council or Councils within which such Land is situate for its or their Sanction, in the Form and Manner in which other Applications are herein-before required to be brought before a Council, such Applications to be accompanied by Maps and Plans showing the Lands which it is proposed to improve, and also the Lands on which it is proposed to execute any Work connected with the Undertaking, and by a separate Plan of such Works, and also accompanied by a Statement of the Rights of Common, Turbary, Pasture, or of Lime Stone or Water, or any other Right whatsoever, if any there be, for which it is proposed by the Undertaking to make Compensation or Commutation in the Manner herein-after provided; and the Council may approve of any such Undertaking, either conditionally or otherwise, or may reject it, or may refer the Application to the Executive Committee, with such Powers as they may depute to them; and if approved of by the Council, the Application, and the several Documents connected therewith, shall be forwarded to the President of the County, to be dealt with in the Manner herein-after provided.
- 35 LVII. All Byelaws or Regulations which the Undertakers may require for the Construction, Maintenance, or Management of the Works, or the due Distribution of Water, or for any other Purpose connected with the Undertaking, shall be laid before the Council for its Sanction, in the same Form and Manner as other Applications to the Council are by this Act required to be made.

Works to be executed at the Cost of an Electoral Division.

Private Undertakings for the Improvement of Land, how to be applied for.

The Council may refer Application to the Executive Committee.

Byelaws and Regulations.

LVIII. If the Owners of Lands desire to straighten a River which forms the Boundary of their Lands, the Council of the District shall

Straightening Rivers, and Ex-

change of
Land.

have Power to authorize the Work, and to sanction any Exchange of Lands which may be necessary in consequence thereof; and all Questions of Compensation shall be arranged by the President of the County as in Cases of Compensation for Lands taken for any Work under the Lands Clauses Consolidation Act, 1845, or under 5 this Act.

Water Power
for industrial
Purposes.

LIX. If any Person propose to establish or be possessed of a Mill or a Factory within a District, and desire, for the Purposes of such Mill or Factory, to make a Dam across any River or Stream, or to have the Use of the Water thereof, or to carry the Watercourse or the 10 Outlet for the Water through Lands which are not in his Possession, Application shall be made in respect thereof to the Council of the District or Districts in which such River, Stream, or Lands may be situated; and if the Council shall be of opinion that the Undertaking or Privilege applied for will be to the Advantage of the District, it 15 shall have the Power to sanction it, subject to such Conditions as it may assign, or refer it to the Executive Committee, to be dealt with in the Manner herein-before provided, and if finally approved of, the President of the County shall deal with all Rights, either in regard of the Land or the Water, which are affected by the Undertaking, as in 20 Cases of Lands taken under the Lands Clauses Consolidation Act, 1845.

Where Two
or more
Districts are
affected.

LX. If any of the several Undertakings contemplated by the previous Clauses shall require the Approval of the Councils of Two or more Districts, and if the Council of the District in which the 25 main Object to be effected or the larger Portion of the Lands to be improved shall be situated shall approve of it, and the other Council shall disapprove, the Question shall be decided by the Council of the County in which the dissentient District may be situated, but with Power of Appeal to the Administrative Council of the Lord Lieu- 30 tenant, should the County Council also dissent.

Executive
Council to
examine
Application,
and may
sanction it.

LXI. In all Cases of Works of private Enterprise, if the Application shall have been referred to the Executive Committee, the Chairman of the District shall convene a Meeting of the Committee at a Day and Hour to be by him appointed, not being less than *Twenty* 35 Days nor more than *Thirty* Days after the Meeting of the Council, and at the Expense of the Applicant or Applicants, shall give such public Notice of such Meeting as he may think proper, and also special Notice to all Parties who may be affected by such Application; and all Parties who may be so affected shall be heard either in favour 40 of or against the Application; and so much of their Examinations or Depositions as the Committee shall consider requisite shall be taken down

down in Writing; and the Committee shall make such Decision, either by simply approving of or rejecting, or by attaching such Conditions to the Application as they shall consider the Justice of the Case to require; and if the Decision of the Committee shall be either con-
 5 ditionally or otherwise favourable to the Application, they shall forward the Application, together with all Plans and other Documents connected therewith, and also the Examinations or Depositions which have been taken before them, and a Copy of their Decision thereon, to the President of the County, to be dealt with as herein-after
 10 provided.

LXII. The Clerk of the District Council shall, within *Fifteen Days* after each Meeting of the Council, publish and circulate, in the Manner herein-before provided with regard to Applications which have been made, a List of all Applications which have been approved
 15 of or been granted by the Council, together with a List of Applications granted against which Appeal shall have been lodged, and shall within *Three Days* after every Meeting of the Council forward to the President of the County a Copy of the Minutes of the Proceedings of such Meeting, and also, within the same Time after any
 20 Meeting of the Executive Committee, a Copy of the Minutes of the Proceedings of such Meeting, in all Cases where the Power of final Decision shall have been deputed to it by the Council.

List of Ap-
 plications
 approved of
 by the Coun-
 cil to be pub-
 lished.

LXIII. When the ultimate Decision on any Application (except on Appeal) rests with the Council of the County, so soon as such
 25 Application shall have received the Approval of the District Council, it shall be dealt with as is herein-after directed in Clauses from One hundred and thirteen to One hundred and seventeen inclusive.

Proceedings
 where As-
 sent of
 County
 Council re-
 quisite.

The Executive Committees of Districts.

LXIV. The Executive Committee of the Council shall meet on
 30 some Day *Seven Days* at least previous to the Meeting of the Council, and on some other Day not less than *Fourteen Days* nor more than *Twenty Days* after the Meeting of the Council, and on such other Days as they shall appoint, or on which they shall be summoned to meet by the Chairman or Deputy Chairman of the District, and *Three*
 35 Members of the Committee shall in all Cases form a Quorum.

Executive
 Committee,
 when to meet.

LXV. Any Act done or Decision made by the Executive Com-
 mittee, provided that it shall appear by the Minutes of the Council
 that it was specially deputed to the Committee by the Council to do
 such Act, or to decide finally on the Question so referred to them,
 40 shall be as valid and effective as if done or decided by the Council.

Executive
 Committee
 may act in
 Name of the
 Council.

Minutes of
Proceedings
to be kept.

LXVI. Minutes of the Proceedings of the Executive Committee shall be kept by the Clerk, and the Minutes or any certified Copy thereof, as herein-before provided in respect of the Minutes of the Council, shall be Evidence of the Proceedings of the Committee, so far as such Minutes purport to detail them. 5

How Orders
for Pay-
ments to be
made.

LXVII. All Payments ordered by the Council shall be made by the Committee, by an Order on the Treasurer, signed by the Chairman or Deputy Chairman of the District and *Two* other Members of the Committee, and shall be countersigned by the Clerk; but in case of the Absence of the Chairman and Deputy Chairman of the District, 10 an Order for Payment, signed by the Chairman of the Day and *Three* other Members of the Committee, if countersigned by the Clerk, shall be sufficient.

Committee
may recom-
mend Ad-
vances.

Sudden
Damages to
Roads or
Bridges.

LXVIII. At the Recommendation of the Engineer of the District the Committee may order Advances to be made on account of Works 15 in progress, such Advance not exceeding in the whole *Two Thirds* of the Value of the Work done; and in case of any sudden Damage to a Road or Bridge by which it shall be rendered dangerous or impassable, the Committee may order such Repairs as shall render it safe for or available to the Public; and if the probable Cost of such Repair shall 20 not exceed *Twenty Pounds*, any *Two* Members of the Committee may, at the Recommendation of the Engineer, order the necessary Repairs to be done.

Obtaining
Contracts
for the Exe-
cution of
Works.

LXIX. The Executive Committee shall take Measures to obtain 25 Tenders for all Works which have been approved of by the Council, and when satisfied with the Solvency of the Security offered, and with the Terms of the Tender, may complete a Contract for the Execution of the Work provisionally, subject to the final Approbation of the Council, in the Manner herein-before provided.

Death or
Inability of
the Council.

Misconduct
of Officers.

LXX. The Committee, in case of the Death or Inability to act 30 of any Officer of the Council, may appoint a Person to do the Duties of such Officer provisionally, and such Person shall have all the Powers and Rights and be subject to all the Responsibility attaching to the Office; and in case of Misconduct on the Part of any 35 Officer they may suspend him, and appoint another Person to act for him until the Council shall have met and have decided on the Case.

Death or In-
Solvency of
Sureties.

LXXI. In case of the Death or Insolvency or reputed Insolvency of any Person who has given Security to the Council for the due 40 Performance of any Duty or the Execution of any Work, they may require

5 by the Council as it shall seem just.

To superin-
tend the
Collection
of Rates.

To superin-
tend the
Progress of
Works.

of Payment of the Value of the Work done as the Justice of the Case may require ; and if the Contractor shall feel aggrieved by such Determination of the Council or of the Executive Committee, he may appeal against it in the Manner herein-after provided for Cases of Compensation.

5

To advertise
for Con-
tracts.

LXXIV. If any Application for any Work shall have been approved of by the Council, and shall have been referred to the Executive Committee, the Executive Committee, or if they neglect to do so the Clerk, shall within *Twenty* Days after the Meeting of the Council publish in One or more Newspapers circulating within the District, 10 and in such other Manner as the Committee shall direct, a List of Works for which Contracts are required, with the Time during which Tenders for Contracts may be lodged, such List to be numbered and classified as in the previous List brought before the Council ; and the Maps and Plans and Specifications for all Works for which Con- 15 tracts are required shall be open to Inspection by the Public at the District Office daily between the Hours of Ten and Four for a Period of not less than *Fifteen* Days after such Publication, and during such Period Extracts or Tracings may be taken therefrom.

With whom
Contracts
are to be
made.

LXXV. All Tenders for Contracts shall be sent, sealed, to the 20 District Office, and a Number shall be endorsed thereon corresponding with the Number of the Work ; and every Tender shall contain the Assent in Writing of One or more sufficiently solvent Persons willing to become Surety for the proper Execution of the Work by the Party tendering ; and the Tenders shall be opened by the Clerk in 25 the Presence of the Executive Committee ; and if they shall be satisfied with the Competence of the Contractor and the Sufficiency of the Security for an Amount not less than *double* that of the Amount of the Contract, they shall select the Person who shall have offered to do the Contract for the lowest Amount, and shall order the Contract to be 30 completed accordingly, subject, however, to the ultimate Decision of the Council upon the Application ; and if the Contract shall not be completed by the Signature of all the Parties before the Clerk (or in case of Illness or Inability to attend at the Office of the Clerk before some Member of the Executive Committee), or in case any of the 35 Parties withdraw before the Completion of the Contract, the Executive Committee shall have Power to complete a provisional Contract with another Party ; or if no sufficient Contractor shall be found, they may require the District Engineer to prepare an Estimate for the Execution of the Work, and may propose to the Council to place the 40 Execution of the Work in his Hands ; or the Executive Committee may order a supplemental List to be published of Works for which no Contractor has appeared, and appoint a further Day for the Reception of

of Tenders for Contracts, and shall deal with them as herein-before provided.

LXXVI. In case of Damages or Compensation being claimed by any Party in respect of any public Work granted by the Council, or in respect of any Decision of the Executive Committee, the Applicant shall, within *Ten* Days after the final granting of the Application, or after such Decision of the Executive Committee, lodge his Claim with the Clerk; and if the Executive Committee and the Party claiming can agree thereon, the Amount of Compensation to be paid shall be brought before the next Council by the Executive Committee, in the Form of an Application; and if the Council shall agree to it, the Application may be at once granted; but if the Parties cannot agree, or if after they have agreed the Council shall disapprove of such Agreement, the Case may be dealt with by the Courts of Law having Jurisdiction over the Matter as in ordinary Cases of Damages or Compensation.

Damages and Compensation, how be claimed.

LXXVII. In any Case of Claim for Compensation for malicious Injury done to Property, where the Party aggrieved would before the coming into operation of this Act have been entitled to Compensation from the County or any Part thereof, the Applicant shall within *Ten* Days after the Damage has been done, lodge a full Statement of his Claim with the Clerk of the Council of the District within which the Property to which such Injury has been done is situated, and the Executive Committee shall deal with such Claim as with other Cases of Claim for Compensation or Damages; and the Council may at its next Meeting grant or reject the Claim, or reduce the Amount thereof, and may charge the Compensation to be paid against the whole District, or against One or more Electoral Divisions of the District; and against such Decision of the Council the Applicant shall have the same Right of Appeal as in other Cases of Claim for Compensation: Provided always, that if the Damage shall have been done at a Time so near the next Meeting of the Council that the Executive Committee shall have been unable to consider the Claim in Time to report thereon to such Meeting, the Council may depute to the Executive Committee the final granting or Rejection of the Claim, or may postpone its Consideration until their next subsequent Meeting.

Compensation for malicious Injuries, how to be claimed.

Appeals.

LXXVIII. There shall be Rights of Appeal against the Decision of the District Council or of the Executive Committee as follows:
 40 In all Cases where the Decision of the District Council or of the Executive Committee on any Question would, but for the Power
 [110.] D of Appeals. One Fourth of Council may appeal.

of Appeal herein-after given, be final, it shall be lawful for *One Fourth* in Number of the Members of the Council to appeal from the Decision of the District Council or of the Executive Committee to the Council of the County of which such District forms a Part, provided that such Appeal shall have been lodged with the Clerk of the District within *Seven Days* after the Decision complained of, but not otherwise. 5

Ratepayers
may appeal.

LXXIX. If any Ratepayer shall feel himself aggrieved by any such Decision of the Council or of the Executive Committee, it shall be lawful for him, within *Seven Days* after such Decision, to appeal 10 therefrom to the Council of the County; and in the event of such Appeal being entered into, all further Proceeding in respect of the Matter in question shall be suspended until the Council of the County shall have decided thereon; and if the Council of the County shall affirm the Decision of the District Council or of the Executive 15 Committee, the Matter shall be dealt with as if no Appeal had been entered into; and if the Decision of the County Council shall reverse that of the District Council or of the Executive Committee, the Matter shall be dealt with as if the Decision of the County Council had been that of the District Council. 20

Ratepayers
appealing
must give
Security.

LXXX. In all Cases of Appeal by private Persons the Appellant shall within the Time specified give good and valid Security for the Prosecution of the Appeal, and for the Payment, in the event of his being unsuccessful, of all Expenses which may be incurred by the Council of the District in defending its Decision, and also for the 25 Payment of any Penalty not exceeding *Twenty Pounds* which may be imposed on the Appellant by the County Council, and which they are hereby empowered to impose, if they shall consider the Appeal to be frivolous or vexatious; and such Costs and Penalty may be sued for in the Name of the District Council, and shall 30 be appropriated, when recovered, in such Manner as the Council shall think right.

Wardens
may appeal.

LXXXI. The Wardens of any Electoral Division may complain to the County Council on behalf of the Ratepayers of the Division, if they shall consider that the Roads or public Works within their 35 Division are not maintained in sufficient Repair, or, if they shall consider that any Order or Decision of the Council or of the Executive Committee is injurious to their Division, they may appeal to the Council of the County against such Order or Decision, within *Seven Days* after such Order or Decision shall have been made; and the 40 Costs attending such Complaint or Appeal, and of any Investigation into the Facts of the Case ordered by the County Council, shall be borne

How Costs
of Appeal to
be borne.

borne as follows: If the Complaint or Appeal of the Wardens shall be found by the Decision of the County Council to be well founded, the Costs of the Complainants or Appellants shall be paid by the Treasurer of the District out of the District Rates, and in the next
 5 Rating of the District Credit shall be given to the Electoral Division for so much as its Proportion of the entire Costs incurred may have amounted to; but if the Decision of the Council shall be against the Electoral Division, the whole of the Costs and Expenses incurred shall be charged against such Division.

- 10 LXXXII. Any District Council, either within the same County or otherwise, may complain to the Council of the County in which the District Council complained against is situated, in respect of any Neglect of sufficient Maintenance of its Roads by another District Council, or in respect of the Line of any new Road which is proposed
 15 to be made by any other District Council; and the County Council to which such Complaint is made shall make such Order thereon as, after due Investigation, it shall deem right, and may order the Costs of the Inquiry to be paid by either District, subject, however, to Appeal to the Administrative Council as herein-after.

One District Council may complain against another District Council.

- 20 LXXXIII. If the District against which Costs may be so given be in a different County from the District in favour of which they are given, the Council of such first-mentioned District may be sued for the Amount of such Costs at the Expense of recovering them in the Court of the Assistant Barrister within whose Jurisdiction such
 25 District is situated.

Councils of different Districts; Costs.

- LXXXIV. The Engineer of the County may complain to the Council of the County against any District Council in respect of the Neglect of Repair of any Road or of the Roads within the District generally; and if the District Council shall neglect to obey any
 30 Directions given by the Council of the County, the Council of the County may order the Repairs to be done under the Directions of the County Engineer, and require the District Council forthwith to levy Rates for the Expenses so incurred.

Engineer of County may complain against District Council.

- 35 LXXXV. If within *Twelve* Days after the final granting of an Application no Appeal against it shall have been lodged, and the President shall have issued no Order of Suspension of the Work as herein-after provided, the Work may be proceeded with; but if there shall have been an Appeal lodged, and due Security given in respect
 40 of the Prosecution thereof as herein-after, or if the President shall have issued an Order of Suspension, the Work shall be suspended until the Decision of the County Council, or of the Lord Lieutenant, or of the

When Works to be proceeded with.

(See Cl. 186.)

In case of
Appeal,
Notice to be
given to
County
Council.

Administrative Council, as the Case may be, in the Manner herein-
after provided, shall have been had thereon; and in all Cases of Appeal
the Clerk shall forthwith give Notice of such Appeal to the Clerk of
the Council of the County, and shall forward to him the Application
and all Documents connected therewith, to be dealt with as herein-
after provided.

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In respect of the financial Affairs of Districts, be it enacted,
That—

Council to
have Power
to levy
Rates.

LXXXVI. The Council of the District shall have the Power to
levy Rates on the whole of the District by an equal Poundage Rate
over all Property liable to pay Poor Rate according to the last
Valuation thereof which shall be furnished by the Commissioner of
Valuation; and the Rate Books of the District shall be drawn up in
the same Form as the Poor Rate Books, and the Collections shall be
conducted in the same Manner as the Collection of Poor Rates, and
Receipts shall be given by the Collectors in a similar Form to that of
Poor Rate Receipts, and there shall be the same Liability of Property to
the Payment of District Rates as of Poor Rates; and in any Case
where the Property rated shall have been let or demised to the Occupier
rated subsequent to the passing of this Act the same Proportion may,
on the Payment of the Rent, be deducted by the Tenant from the
Landlord, as in Cases of Poor Rates.

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Executive
Committee
to lay before
Council
financial
Statement.

LXXXVII. The Executive Committee (or the Clerk if they shall
neglect to do so) shall lay before the Council at the Commencement
of each Meeting a financial Statement showing the Payments that have
been made since the last Meeting on account of Works in progress, or
for Works completed, as well as all other Payments authorized by the
Council or the Executive Committee, and shall produce Vouchers
for each Payment, and also a Statement of the Sums received from
the Collectors of the District, and of the Amount still due by each
Division, if any, and of the Balance in the Hands of the Treasurer of
the District, together with a List of outstanding Claims which are
chargeable against the Balance in hand, and, as near as may be, of all
Charges which will probably become payable before the next Meeting
of the Council; and such Statement shall separately show the State
of the District Account with the Council of the County, and shall set
forth the several Warrants which have been received, and the
Payments which have been made on account thereof to the County
Treasurer, and the Balance still due; and the Council shall have
Power to object to any Portion of the Accounts, and may record their
Observations thereon; and they shall cause a Copy thereof to be
forwarded to the Auditor of the County to be appointed as herein-
after, together with the Vouchers for the several Payments contained
therein;

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(See Cl. 134.)

therein ; and the Auditor shall have Power, with the Consent of the President, to disallow any Payment made without sufficient Authority ; and the Persons who signed the Order for Payment, as well as the Clerk, if he countersigned the Order, shall be responsible for such
 5 Payment to the Treasurer, and if the Clerk has not countersigned the Order the Treasurer shall alone be responsible for the Payment.

LXXXVIII. The Council shall, previous to the Termination of each Meeting, taking into consideration the Amount of the several
 10 Works granted and the probable Expenditure for the next *Three* or *Six* Months, as the Case may be, determine the Amount which will be required by the District, and shall depute to the Executive Committee, or in their Default to the Clerk, to applot, within Twenty Days after the Termination of such Meeting, the Sum required on the several rateable
 15 Hereditaments of the District according to the last Valuation thereof ; and the Council shall also declare the Sums, if any, to which separate Divisions of the District shall be liable, in addition to the general Liability of the District, or the Amount (if any) of the general Liability from which any Division is to be exempted, as the Case may
 20 be ; and in making such Applotment, where the Amount chargeable on the several rateable Hereditaments of the District shall involve the Fraction of a Penny, they may either omit the fractional Portion of the Penny, or levy the full Penny, as they shall think fit ; and the Chairman of the District, or in his Absence the Deputy Chairman and Two Members of the Executive Committee, shall sign each such
 25 Applotment, and it shall be countersigned by the Clerk.

Council to declare Amount of Rate to be levied.

Applotment to be made by Executive Committee.

LXXXIX. The Chairman shall cause Notice to be given throughout the District, in such Manner as the Committee shall direct, of the Amount of Rate by the Pound of Valuation which shall have been applotted on the District on account of its general Liability, and of
 30 the Amount of separate Rate which shall have been applotted on separate Divisions, and also a Statement of the Exemption which may reduce the Rate of any of the Divisions within the District ; and such Notice shall specify when the said Rate shall be payable, and also the Names of the Persons who shall be authorized to collect the same ;
 35 and a Copy of such Applotment, at Foot of which there shall be written a Warrant, signed by the Chairman, and countersigned by the Clerk, authorizing such Persons to collect the Amount therein specified in respect of each rateable Hereditament from those who may be liable for the Payment thereof, shall be given to each Person authorized to
 40 act as Collector for the District, and if there be different Collectors appointed for separate Portions of the District, then a Copy of so much only of the Applotment shall be given to each Collector as relates to the Portion of the District assigned to him, and each such

Warrants of Collection, how to be signed.

Copy shall be accompanied with a Warrant to collect the Amount therein set forth, signed as aforesaid.

Rates, when
may be
struck.

XC. If the Council shall determine that Rates shall be levied only in the Spring and Autumn of each year, they shall be at liberty to strike their Rates accordingly, provided that the Council of the 5 County shall have given its Assent thereto.

Counties.

Fiscal
Affairs of
Counties to
be managed
by Councils
composed of
Deputies.

XCI. The fiscal Affairs of Counties shall be managed by a Council to be constituted as follows: The Lord Lieutenant shall declare, by Publication in the Dublin Gazette and in some Newspaper circulating 10 within the County, the Time and Place or Times and Places at which the Members of each County Council shall first be elected, and shall also declare the Number of Deputies which each District Council shall furnish as Members of the Council of the County within which such District Council shall be situated; and the Justices of the County 15 shall, at a Meeting to be convened by the Sheriff thereof, and to be presided over by him, select from the Justices or others resident within the County, or within any County of a City or Town within such County, a Number equal to the whole Number of the Deputies to be furnished by the District Councils; and the Persons so selected, 20 and the Deputies furnished by the District Councils, together with the Lieutenant or Vice-Lieutenant of the County, unless he be also President of the County, shall form the Council of the County, and the Council so constituted shall continue in Office until the next General Election of District Councils, and until their Successors shall 25 be appointed.

Deputies
from the
District, how
to be elected.

XCII. The Deputies from the District Councils shall be selected as follows: The Chairman shall cause Notice to be given to the Members of the District Council of the Day on which the Deputies shall be selected, and on the Day appointed the Clerk shall prepare a 30 sufficient Number of Slips of Paper, and shall distribute them among the Members present; and each such Member shall write on the Slip of Paper given to him the Names of such Persons, whether Members of the Council or otherwise, whom he shall propose as Deputies from the District Council, and having folded up such Paper he shall deliver 35 it to the Clerk; and the Clerk and Chairman, or some Person appointed by the Meeting for the Purpose, shall ascertain from the Voting Papers and declare the Names of those who have received the greatest Number of Votes; and if any Question shall arise with reference to the Election, the Meeting may determine on a new Distribution of 40 Voting Papers, which shall be filled up as aforesaid; and so soon as the Election shall be finally declared the Voting Papers shall be destroyed by the Clerk; and the Names of the Persons so selected shall be

be returned by the Clerk at the First Election to the Sheriff of the County, but at all subsequent Elections to the President of the County, as the Deputies from the District Council.

- XCIII. The Sheriff of each County shall take all the preparatory
 5 Steps for the Selection of Deputies by the Justices in respect of the First Election of a County Council; but thenceforward the President of the County shall provide for and superintend the Elections, and shall convene the Justices of the County to meet when required, and he, or, if absent, the Vice-President of the County, shall preside at all
 10 Meetings for such Purpose.

First Election of Deputies by the Justices.

- XCIV. Any District Council, at a Meeting specially convened by the Chairman, on the Requisition of *Ten* Members of the Council, or at any Meeting when special Notice shall have been given to the Chairman of the District of the Intention to raise the Question, shall
 15 have Power to revoke their Deputation of any Member to the County Council, and to appoint another in his Place; provided such Revocation be agreed to by *Three Fourths* at least of the Members present, and that Notice of the Intention to propose the Revocation of his Deputation shall have been given to the Deputy whom it is proposed
 20 to displace *Fourteen* Days at least before such Meeting.

Power of District Council to revoke their Deputation.

- XCV. The Justices of a County may in like Manner, at a Meeting convened by the President of the County, on a Requisition signed by at least *Ten* Justices and by a like Majority of *Three Fourths* of the Justices present, revoke their Deputation of any Person to the County
 25 Council, and select another Person in the Place of the Deputy so displaced; and the Deputy then elected shall remain in Office so long only as he in whose Place he may have been substituted would but for such Revocation have remained in Office.

Justices may revoke their Deputation.

- XCVI. The First Meeting of the First Council shall be convened by the Sheriff, and he shall preside thereat until a Chairman of the County as herein-after directed shall have been elected; and if a Majority of the Council shall be present at such Meeting, the Members may forthwith (or if they shall so decide at an Adjournment of such
 35 Meeting) elect a Chairman and a Deputy Chairman of the County; and in no Case shall a Chairman or Deputy Chairman be elected unless *One Third* of the entire Council shall be present at the Meeting at which such Election shall be taken into consideration; and the Chairman and Deputy Chairman shall, unless they or he shall resign or be incapacitated from Illness or other Cause, continue in Office during the
 40 Continuance of the Council by whom they or he shall have been
 [110.] D 4 elected;

Chairman and Deputy Chairman to be elected by Council.

elected; and when any Vacancy shall occur, and be declared by the Council, another Person shall, as soon as may be, be elected Chairman or Deputy Chairman, as the Case may be, in the Room of the Person who has so resigned or been incapacitated.

Chairman
or Deputy
Chairman to
preside.

XCVII. The Chairman, or in his Absence the Deputy Chairman, 5 shall preside at all Meetings of the Council or of the Executive Committee to be appointed as herein-after; but in the event of both the Chairman and Deputy Chairman being absent, a Chairman of the Day shall be elected; and the Authority, Duties, and Privileges of the Chairman and Deputy Chairman of the Council of the County, at 10 all Meetings of the Council and of the Executive Committee thereof as herein-after, shall be in respect to such Council and Committee the same as those herein-before assigned to the Chairman and Deputy Chairman of each District Council and to the Executive Committee thereof. 15

Council of
County to be
a Body Cor-
porate, and
shall have
Power to
appoint an
Executive
Committee.

XCVIII. The Council of every County shall be a Body Corporate under the Name of the Council of the County of , and shall have perpetual Succession and a Common Seal, and may sue and be sued, and may acquire and hold Lands as a Corporation, and shall have and be subject to all other Rights, Privileges, and Liabilities attaching to 20 a Body Corporate, and the Council of every County shall have the same Powers of administering Oaths, of maintaining Order at Meetings, and of Adjournment, and holding Special Meetings, and of forming Rules for the Regulation of their Proceedings, and of appointing and dismissing Officers, and of assigning Salaries to them, and of appoint- 25 ing an Executive Committee of not more than *Nine* nor less than *Five* Members, and of deputing to such Executive Committee such Powers of acting in the Name and with the Authority of the Council as have been herein-before assigned to District Council; and the County Council shall also be empowered to assign Allowances to the Members 30 of the Committee in respect of their travelling Expenses to and from the Place of Meeting of the Committee for the Purposes of this Act, and for their reasonable Expenses while in attendance on such Committee; and the Executive Committee so appointed shall, so far as may be required for the Duties herein-after assigned to the Council of 35 a County, have similar Powers and Authority to those given to the Executive Committee of a Council of a District.

Mode of
proceeding
to be the
same as that
of District
Council.

XCIX. In respect of the Execution of the Duties assigned under this Act to the Council of a County (except so far as may be herein-after otherwise directed), the Mode of proceeding shall in all respects 40 be the same, as near as may be, as the Mode of proceeding which the Council of a District are required to observe and follow.

C. A Clerk

C. A Clerk, Engineer, and Treasurer of the County shall be appointed by the Council; and the Clerk and Engineer of the County shall in respect of the Execution of the Duties assigned to the Council of a County have the same Duties, and be subject to the same
 5 Responsibilities, and shall give in the same Manner Securities for the due Performance of their Duties, to be approved of by the County Council, as the Clerk and Engineer of a District Council with reference to the Duties assigned to the District Council; and the Engineer of the County shall be subject to the same Examination and be remov-
 10 able in the same Manner as the Engineer of a District; and the Treasurer of the County shall be appointed subject to the same Conditions in respect of Securities or otherwise, and be liable to the same Duties and Responsibilities in respect of the County as the Treasurer of a District in respect of the District.

County Officers to be appointed.

15 CI. The County Council shall ascertain the State of the County and Baronial Collections as existing at the Time of their coming into Office under this Act, and shall have the same Power of enforcing such Collections as the Grand Jury of the County or the present County Officers of themselves, or on Presentment by the Grand Jury,
 20 would but for the passing of this Act have had, and shall allocate the Amounts collected as such Officers by themselves, or on Presentment by the Grand Jury, would have been bound to allocate them.

County Council to complete Grand Jury Collections.

CII. In the Case of Works granted on Presentments or a Presentment by any Grand Jury, but not completed at the coming into
 25 operation of this Act, they shall be dealt with by the Council in all respects as the present County Officers or any Grand Jury might have dealt with them; and in the Case of outstanding Contracts for the Repair of public Works for the Payment of which no Provision has been made by the present County Officers or by Grand Juries,
 30 the Council shall determine the Portion thereof which shall be chargeable to each District, and each District shall thenceforward be liable thereto as a Charge on such District at large; and in the Case of Charges or Incumbrances incurred before the coming into operation of this Act, and affecting the County at large, or any Districts or
 35 Parts of Districts thereof, the Council shall allocate the Amount thereof, in case the Charge shall affect the County at large, among the different Districts as to them shall seem right, or if the Charge shall affect separate Districts or Parts of Districts only the Council shall allocate the Amount thereof on such Districts or Parts of Districts,
 40 none of such being less than an Electoral Division, as to them shall seem right; and in all such Cases the Assessment in respect of such Charges shall be made according to the Valuation on which the last Poor Rate was levied.

Council to complete Works begun by Grand Juries.

Duties which
would have
been impera-
tive on
Grand Juries
to be impera-
tive on the
Council.

CIII. The imperative Duties of the Council of a County shall be—

To make Provision in the Manner herein-after provided for the sufficient Maintenance of all existing County Establishments, and for all the Expenses and Charges connected with the Administration of Justice within the County which have been heretofore provided for by Grand Jury Presentments, or for which it would have been the Duty of a Grand Jury to provide, and to make Provision for all the Charges and Expenses which may be required for the due Performance of the Duties assigned to the Council of a County by this Act: 5 10

To maintain in good and sufficient Repair all Public Buildings belonging to the County:

To build or repair Bridges and Causeways, and the Works connected therewith, within the County where the Cost of such Bridge, Causeway, or Works, or of the Repairs thereof, shall be estimated to exceed Two hundred Pounds: 15

Generally to make Provision for all Charges of any Kind or Description for which it would have been the Duty of a Grand Jury of the County to provide, and to cause the Amount thereof to be levied as nearly as may be from the Districts or Divisions of the County which would have been liable in respect of any such Charges if made on Presentment or otherwise by a Grand Jury: 20 25

To obey and carry into effect all Orders of the Lord Lieutenant and of the Administrative Council under this Act:

To appoint and assign adequate Salaries to all such competent Persons as may be required under this Act for the Assistance of the Council in the due Performance of their Duties, and to hear and investigate all Complaints which shall be made against any Officer subject to their Control, and to adjudicate thereon as may appear right, and to inquire into the continuing Solvency of all Persons who may have entered into Security for the Performance of Duty by their Officers: 30 35

To hear and determine all Appeals from the Decisions of the District Councils, and also all Applications approved of by the District Councils, the final Determination on which is by this Act assigned to the Council of the County:

To hear and cause Investigation to be made in respect of any Complaint made against a District Council by the President of the County in respect of Neglect or Misuse of the Powers and Duties assigned to such District Council by this Act, and to adjudicate thereon; with Power, if their Orders shall be disobeyed by the District Council, to cause such Orders to be 40 45

be executed by their own Officers, at the Charge of the District :

To require their Engineer, in the Spring and Autumn of each Year, to report on the State of Repair of all Bridges and Public Buildings within the County, and of all the Main Lines of Communication between the several Towns of the County, and of such other Roads as may have been placed under his Charge, and of all Piers, Jetties, and Landing Places heretofore made or repaired on Presentment by a Grand Jury, or by any Public Board, on any Harbour, navigable River or Canal, and on such Report the Council shall make such Orders thereon as they may deem expedient :

To appoint Boards of Superintendence of all County Establishments, and of such Boards Persons not Members of the Council may be Members : Provided always, that the President and Vice-President of the County, and the Chairman of each District Council within the County, and the Members of the Executive Committee of the County Council, shall be Members of all County Boards, and such Boards shall have such Powers as the Council shall depute to them.

Councils to appoint Boards of Superintendence.

To meet *Four* Times in the Year, at such Periods as shall allow at least Days to elapse between the Quarterly Meetings of the District Councils in each County and the Meetings of the County Council ; but, if they shall think fit, they may determine that Warrants for County Levies shall only be ordered at their Spring and Autumn Meetings, except as herein-after.

Councils to meet Four Times in the Year.

The Discretionary Powers of the Council of the County shall be as follows :

CIV. The Council of the County shall have Power—

To grant such Superannuations, Rewards, or Compensation connected with the Administration of Justice or the Public Service within the County as they shall deem right ; but when any such Grant shall exceed or when it shall be in the Form of an Annuity, the Decision of the Council of the County shall be approved of by the Lord Lieutenant in Council, otherwise it shall be of no Effect :

Council may grant Superannuations.

To hire or purchase Land for the Purpose of erecting and may erect thereon, at the Cost of the County at large, any Building which they shall consider requisite for the Administration of Justice, or the Maintenance of Law and Order within the County, without reference to the District Councils :

Council may erect Buildings required for the Administration of Justice, &c.

To determine that any Main Line of Communication through the [110.] E 2 County,

Council may determine

what Line of Roads, &c. shall be repaired at the Charge of the County.

Council may make new Roads, &c. at the Charge of the County.

Council may redeem Tolls on Roads and Bridges. Council may purchase Tolls of Fairs or Markets, or sanction such Purchase by Districts.

Council, with Consent of District Councils, may execute Works not heretofore presentable by Grand Juries.

Powers and Duties of Councils in

County, or any Portion thereof, or any Harbour, Pier, or Landing Place on any Canal or navigable River, shall be repaired or maintained or be improved at the Charge of the County at large :

To determine on and direct the Formation of new Roads, or the 5
Alteration or Improvement of old Roads, and the Erection of Bridges, Viaducts, and Causeways, and the Works which may be connected therewith, or may be required for their Security, and the Formation of Piers, Jetties, Quays, and Landing Places, and to cause the Cost thereof to be levied from off the 10
County at large :

To redeem, at the Charge of the County at large, Tolls on Roads and Bridges, or to sanction the Redemption of such Tolls by the Councils of Districts :

With the Consent of the Proprietors of the Tolls or Customs of any 15
Fair or Market within any District of the County, to sanction the Purchase of such Tolls or Customs by the Council of such District, or by the Governing Body of any City or Town within the District, and if it shall be proposed to continue the Collection of Tolls and Customs at such Fairs or Markets after 20
such Purchase, to sanction the proposed Appropriation of the Receipts thereof, or to make such other Decision thereon as they shall think right.

CV. The Council of the County shall have the same Power of executing any Work, or of sanctioning any Undertaking of public 25
Utility, or for the Safety or Convenience of the Public, or for the Promotion of Education, or for the Public Health, or the Maintenance of Law and Order within the County, the Expenses of which, or any Portion of such Expense, it is proposed to levy from the County at large, as any District Council has under this Act in respect of its 30
District ; but where such Work shall be of a Kind not heretofore done or executed on Grand Jury Presentment, the proposed Undertaking or Work shall first be submitted to each District Council within the County ; and if a Majority of the entire Number of Councils within the County (or in case of Equality a Majority in Value according to 35
the Valuation of the District) shall disapprove of such Work or Undertaking, it shall not be proceeded with by the Council ; but if a Majority as aforesaid shall not disapprove of the Work, any District Council may notwithstanding appeal to the Lord Lieutenant and Council against it, and their Decision thereon shall be final and conclusive. 40

CVI. In all Cases where the ultimate Decision on an Application (except on Appeal) has been herein-before assigned to the Council of the

the County, the Council may sanction absolutely or conditionally, or may reject, any private Undertaking which shall have been approved of by any District Council, and may revise and alter or sanction, conditionally or otherwise, or reject the Terms or Conditions which shall have been sanctioned in reference to such Undertaking by the District Council, or may depute their Power of Decision thereon to the Executive Committee of the County, or may direct them to make such Inquiries as to them may seem fit; but if the Applicant or any District Council shall feel him or itself aggrieved by any such Decision such Applicant or Council may appeal to the Administrative Council of the Lord Lieutenant, in the Manner herein-after mentioned.

respect of private Undertakings which have been sanctioned by the District Councils.

(See Cl. 124 & 125.)

CVII. When any such private Undertaking shall affect more than Two Districts in the County, or when it is proposed by the Undertakers thereof that a certain Return on the Expenditure should be guaranteed, or that a certain Portion of the Work should be executed by the County at large, or when the President of the County shall be of opinion that the Application is one which affects the general Interests of the County, and shall have assented to the Application being brought in the first instance before the Council of the County, it shall not be requisite that such Undertaking should have been sanctioned by any District Council, but Application may be made in the first instance to the Council of the County in respect thereof, in the same Manner as other Applications to the Council of a County are under the Provisions of this Act required to be made, anything herein-before contained to the contrary notwithstanding; and such Council shall, subject to Appeal to the Administrative Council of the Lord Lieutenant as herein-before provided, have Power to grant the Application absolutely or conditionally, or to reject it, or may depute their Power of Decision thereon to the Executive Committee of the County, or may direct them to make such Inquiries as to them may seem fit.

Where the Sanction of the District Council may be dispensed with.

CVIII. In all Cases contemplated by the Two previous Clauses where the Undertaking shall have been referred by the County Council to the Executive Committee of the County, whether the Undertaking shall have been previously sanctioned by a District Council, or shall in the first instance have been approved of by the Council of the County, the Executive Committee thereof shall, with the Assistance of the Assessor of the County, to be appointed as herein-after provided, and of the Engineer of the County, cause such Inquiries or local Examinations to be made, with Survey or otherwise, and at the Expense of the Applicants, as shall enable them to decide thereon or

Duties of the Executive Committee and of the President of the County in respect of private Undertakings.

report thereon, as the Case may be ; and if the Application shall have been originally made to the County Council, the Executive Committee shall report to the Council on the following Particulars :

1. On the Sufficiency of the Plan laid before the Council for the professed Object : 5
2. On its being the best and most practicable Manner for attaining that Object :
3. On the Ability of the Undertakers to complete the Work ; and in case there be a Deed or Deeds of Partnership or Settlement in connexion with the Undertaking, whether such Deed or Deeds shall have been duly executed by those who are stated to be the Promoters of such Undertaking : 10
4. On the Amount of Security which shall be required for the Completion of the Work, and the Payment of all Damages, Compensations, or any Costs that may be attendant thereon : 15
5. On the Term within which the Work shall be completed :
6. On the Tolls or Charges which may be reasonably made by the Promoters of the Undertaking for the Use thereof :
7. On any special Circumstances which may be connected with the Undertaking : 20

And the Executive Committee shall determine, in all Cases contemplated in the previous Clause, in what Manner due Notice shall be given to all Persons whose Property or Interests may be affected by the Undertaking ; and so soon as the Executive Committee shall have completed all such preliminary Inquiries, and shall have reported thereon to the Council, the Council may grant the Application, or may grant it subject to such Conditions as it may impose, or may reject it ; and if the Application be granted, so soon as the President of the County shall be satisfied that the Security required has been duly entered into, and that all the Requirements of this Act, and all Directions (if any) of the Council or of the Executive Committee have been duly complied with, he shall have Power to apply to such Undertaking any of the Powers or Provisions of the herein-before recited Acts of One thousand eight hundred and forty-five or One thousand eight hundred and forty-seven as may be applicable to the Case, or as he may consider requisite : Provided always, that any District Council, or One Fourth of the Members of the County Council, may appeal to the Administrative Council against the Undertaking, within seven Days after it shall have been approved of by the Council ; and the Decision of the Administrative Council shall be final thereon, and the Administrative Council shall in such Case determine by whom the Costs of such Appeal shall be paid. 30 35 40

CIX. The Council of the County shall in all Cases of Undertakings by Individuals where its Sanction is required under this Act, whether in respect of Works undertaken in Districts or of Works affecting the County at large, require such Security as they shall
 5 deem to be sufficient to be given for the due Execution of the Work or the Performance of the Undertaking, and the Payment of all Expenses in relation thereto, and the Payment of all Costs and Compensations or Damages as may be awarded by any Jury or other competent Authority under this Act, or under any of the herein-
 10 before recited Acts of One thousand eight hundred and forty-five, or One thousand eight hundred and forty-seven, which the Council under this Act have Power to bring into operation within the County ; but if the President shall deem the Amount of Security so determined on by the Council to be insufficient, the Question shall be referred to
 15 the Lord Lieutenant, whose Determination thereon shall be final.

Council to require Security for the Execution of private Undertakings.

CX. The Council shall have Power to sanction Byelaws which may be required for the Management or Preservation of their Works by any Company of Undertakers whose Undertaking shall have been sanctioned by the Council or by any District Council, and for which
 20 Provision shall not have been made in the Acts herein-before recited of One thousand eight hundred and forty-five or One thousand eight hundred and forty-seven, with Power to impose Penalties not exceeding , or in default of Payment Imprisonment for not more than Days, for any Infraction of such Byelaw, either by the
 25 Servants of the Undertakers, or by others who shall be held by the Magistrate or Magistrates who may try the Case to have knowingly and wilfully disobeyed such Byelaws: Provided,
 1st. That no such Byelaws shall be submitted to the Council unless they shall previously have been approved of by the
 30 President:
 2d. That no such Byelaws shall be brought under the Consideration of the President without previous Publication:
 3d. That nothing therein contained shall be contrary to any Law of the Realm:
 35 4th. That no such Byelaws shall be acted on or be carried into effect by any Magistrate or other Person until they shall have been signed by the President, and been promulgated as herein-after directed:
 And in all Cases the Council may depute to the Executive Committee,
 40 subject to the Consent of the President, the Power to sanction or alter or reject all or any of such Byelaws.

Council may sanction Byelaws in respect of private Undertakings.

CXI. The Mode of Procedure by the Council of the County and its Officers, and also of the Executive Committee, shall be the same
 [110.] E 4 as
 Mode of Proceeding of Council and

Executive
Committee.

as that herein-before prescribed for the Guidance of the Councils of Districts and their Officers and Executive Committees, so far as is practicable, and as is consistent with the following Rules:

Mode of Ap-
plication to
the Council
to be same
as that to
the District
Council.

1st. Every Application shall be made to the Council of a County in the same Manner and at the same Period in reference to its 5 Time of Meeting as to a District Council, and all the Rules which have been herein-before prescribed for the Guidance of the Clerk of the District shall in reference to their Distribution to the Members of the County Council, and to their Publi- 10 cation, and to the Publication of the Decisions of the Council, and in obtaining Contracts for Works, and in all other respects, be followed as nearly as the Case admits of by the Clerk of the Council of the County:

2d. Where any Application shall be made for a Work to be executed at the Expense of the County at large, if it be 15 approved of at the First Meeting of the Council it shall be referred to the Executive Committee, to obtain provisional Contracts for its Execution, but it shall not be finally granted until a subsequent Meeting of the Council:

3d. In Cases of Application to the Council for its Sanction for 20 any Work which has been approved of by a District Council, or in case of Appeal against the Decision of a District Council, the Decision of the County Council thereon shall be final, unless where it is otherwise provided by this Act; and in all Cases the Council may, if it consider that further Inquiry is 25 necessary, postpone its Decision, or depute to its Executive Committee either to have such further Inquiries made, and to report to the County Council thereon, or to decide the Question in the Name and with the Authority of the Council: 30

4th. All Claims for Payment against the Council and all Estimates for future Expenses shall be brought before the Council by the Clerk in the Form of Applications, and shall be inserted by him in the List of Applications to be brought before the Council; and all Claims for Payment, and all 35 such Estimates, when so brought before the Council, may be granted by it at once, or may be referred to the Executive Committee, with Power to order Payment.

Day to be
appointed
for hearing
Appeals or
Complaints.

CXII. The Council shall appoint a Day on which Appeals shall be heard, and such Appeals shall be proceeded with in the Order in 40 which they stand in the published List of Applications, but on sufficient Cause being shown a different Order may be followed; and if the Council shall think fit to order any further or more special Investigation to be made by their own Officers, they may either postpone their

their Decision until their next Meeting, or, with the Consent of the Parties, depute to the Executive Committee the Power of giving a final Decision in the Name of the Council ; and all Complaints against District Councils for Neglect or Misuse of their Duties or Powers shall be heard as Appeals, and the Council may proceed thereon as in respect of Appeals ; and if the Council or the Executive Committee shall consider a Complaint to be well founded, they may make such Order as the Justice of the Case may seem to require ; and if such Order be not obeyed by the District Council the Complainant may again lodge a Complaint, in the same Form and under the same Restriction in respect of Security as the First Complaint ; and if such last Complaint shall be established, the Council may direct their own Officers to execute their Orders, and may cause the Amount expended by them to be included in the next Warrant to the Treasurer of the District in the Manner herein-after directed.

In respect of Applications which shall have been approved of by any District Council, but which require the Sanction of the County Council, the Mode of Proceeding shall be as follows :

CXIII. So soon as the Application shall have been approved of by the District Council, if it be proposed to levy the Cost thereof from the District or any Portion thereof, the Executive Committee of the District shall proceed to obtain Tenders for the Execution of the Work, as in Cases not requiring the Sanction of the County Council ; and so soon as a Provisional Contract shall have been completed, or if in default of a satisfactory Contract being obtained the Committee shall have directed their Engineer to frame an Estimate of the probable Cost of the Work as herein-before provided, such Contract or Estimate shall, together with the Application, and all Maps and Plans connected therewith, and a Copy of the Decision of the District Council thereon, be forthwith forwarded by the Clerk of the District Council to the Clerk of the County Council : Provided always, that no Application requiring such Approval shall be brought before the County Council for its Sanction unless such Application shall, together with all Maps and Plans connected therewith, have been lodged in the Office of the County Council Days before the Meeting of the County Council.

Mode of proceeding where the ultimate Decision on an Application rests with the County Council.

When such Applications are to be lodged.

CXIV. In all Cases of private Undertaking where any Deposit of Money or Security is required under the Provisions of this Act, and where such Deposit or Security shall not have been made or completed at the Time of the Application being lodged in the Council Office, the Days herein-before required shall be counted only from the Day on which such Deposit of Money shall have been made, or such Security shall have been completed ; and all such Applications shall be dealt with by the Executive Committee of the County Council as other Applications under this Act are directed to be dealt with, and all

When Security for any private Undertaking shall not have been lodged as required.

Local or other Inquiries to be made at the Expense of such

the District
or Appli-
cant.

such local or other Inquiries shall be made at the Expense of the District or of the Applicant, as the Committee may deem right, or as the President of the County in case of private Undertakings may require, as herein-after provided.

President
may post-
pone the
Considera-
tion of an
Application
for further
Inquiry.

CXV. If at the Time of Meeting of the Council the Executive Committee or the President shall consider that sufficient Inquiries or Investigations have not yet been made, either in respect of the Merits of the Application or in respect of the Interests affected thereby, they or he may direct that the Consideration of the Application shall be postponed until the ensuing Meeting of the Council, or the Council may decide that the Consideration of the Application shall be postponed until their next Meeting, or may sanction or reject it, or make such Order in respect of it as shall be deemed expedient.

The Execu-
tion of the
Works ap-
proved of
rests with
the District
Council.

CXVI. When the Council of the County shall have finally sanctioned any such Application as aforesaid, and if within *Seven Days* from such Sanction having been declared no Appeal against it shall have been lodged, and the Work proposed is to be executed at the Expense of the District which shall have approved of such Work, the Application and the several Documents connected therewith, with the Decision of the Council thereon, shall be forwarded to the Clerk of the District Council, and the Executive Committee thereof shall proceed in respect of the Execution of the Work as in other Cases of District Works.

The Order
of the Pre-
sident re-
quired for
the Com-
mencement
of any pri-
vate Under-
taking.

CXVII. If the Application so sanctioned shall be for a private Undertaking, and no Appeal shall within *Seven Days* from such Sanction having been declared have been lodged against it, the President of the County shall issue such Order in respect of the Commencement of the Work, or the carrying into effect any Orders or Conditions which the Council may have attached thereto, as he shall think right.

30

In respect of the financial Affairs of Counties, be it enacted—

Financial
Statement
to be laid
before the
Council by
the Com-
mittee.

CXVIII. That the Executive Committee, or in its Default the Clerk, shall lay before the Council at each of its Quarterly Meetings a financial Statement of the Affairs of the County, similar to that required to be laid before the District Councils in reference to the Affairs of the District, and before the Termination of the Meeting of the Council the Executive Committee or the Clerk shall propose the Amount of Rate to be levied for the next *Six Months* to meet all existing Claims against the Council for which Provision has not been made, as well as to meet the probable Expenditure for the Period, and may include such Sum as shall seem reasonable to meet Contingencies, and the Council shall determine the Amount which shall be levied off the County at large, or any Portion of it: Provided
always

40

always, that in case of any sudden Emergency an extraordinary Rate may be proposed at either of the other Meetings of the Council.

CXIX. The Executive Committee, or in their Default the Clerk, shall within *Ten* Days after the Termination of the Council applot the Sum required over the several Districts of the County according to their last Valuation; and if any separate Charge shall be determined on by the Council to be added to the general Charge against any particular District or Division, or if any District or Division shall in the Opinion of the Council be entitled to claim Exemption from any Part of the general Charge, the Committee shall make their Applotment accordingly.

The Committee applots the Amount required over the separate Districts.

CXX. The Executive Committee, or in their Default the Clerk of the Council, shall within *Twenty* Days after the Meeting of the Council at which such financial Statement has been adopted cause to be delivered to the Clerk of every District Council within the County a Copy of the financial Statement so laid before and adopted by the Council, and of the Applotment made in respect thereof, and shall also within the same Period cause another Copy thereof to be delivered to the Auditor of the County, together with all the necessary Vouchers for all Payments that have been made; and if the Auditor of the County shall feel dissatisfied with any Item in the Accounts, or if any District Council, or the Executive Committee thereof, shall feel dissatisfied with such Statement or Applotment, or by the Determination of the Council thereon, he or they may appeal within *Twenty* Days after the Receipt of such Copies to the President of the County, who may cause any Alterations to be made in the Statement or the Applotment which the Justice of the Case may require, and if it be necessary may order a new Applotment to be made.

Notice to be given to the several Districts of the Amount they are required to pay.

CXXI. So soon as such Applotment shall be finally determined on, the Chairman of the County, or in his Absence the Deputy Chairman, and Two Members of the Executive Committee, shall sign Warrants to the several District Councils within the County, requiring them to raise within their Districts and pay to the County Treasurer the Amount required, within a Term specified in the Warrant, not being less than *Three* Months from the Date of the Warrant; and the Clerk of the County Council shall countersign such Warrants, and shall cause them to be delivered to the Clerks of the several District Councils; and Copies of such Warrants shall be delivered to the Treasurers of the several District Councils, with Notices, signed and countersigned as aforesaid, requiring them respectively at the Time specified, and thenceforward until the Amount required shall have been paid, to transfer to the County Treasurer all

Warrants to be issued to the several District Councils requiring them to raise the Amount applotted.

Money which shall then be in their Hands to the Credit of their several Districts, or any Money which they may from Time to Time receive on account of their Districts respectively ; and if the Treasurer of any District shall act in contravention of such Order he shall be liable for the Amount he shall have received or have paid away otherwise than in obedience to the County Warrant so delivered to him ; and if any District Council shall refuse or neglect to obey the Warrant so delivered to the Clerk of such Council, and to collect the Amount required, the Council of the County or (if they shall have been authorized to do so by the Council) the Executive Committee may themselves appoint Collectors for such District, and may issue Warrants for the Collection by them within the District of the Amount required, and of the probable Cost of such Collection ; or the Council of the County may apply to the Superior Courts, in the Manner hereinafter provided, for a compulsory Order to such District Council to collect the Amount required.

And in respect of Appeals from the Decision of the County Council, be it enacted—

The Deputies of any District may appeal to the Administrative Council from the Decision of the County Council.

CXXII. That the Deputies of any District, or the Majority of them if there be more than Two, may appeal to the Administrative Council of the Lord Lieutenant against any Decision of the County Council, on giving Notice thereof to the Clerk within *Seven Days* after the Termination of the Meeting at which the Decision appealed against has been given ; and if the Appellants fail in obtaining the Decision of the Council to be reversed, all the Costs and Expenses of such Appeal shall be borne by the District of which the Appellants may be the Deputies ; and if the Decision of the Administrative Council shall be in favour of such Appellants, their Costs and Expenses shall be paid by the Treasurer of the County on the Order of the Administrative Council ; and the District of the Appellant Deputies shall be exempted from so much of the general Rate of the County as the Costs and Expenses of all Parties shall amount to, and the Rates of the other Districts of the County shall be increased in proportion.

One Fourth of the Council may appeal.

CXXIII. *One Fourth* of the entire Number of any County Council may appeal to the Administrative Council against any Decision of such County Council, and in such Case all the Costs incurred shall be borne by the County at large.

Any Individual on giving Security for Costs may appeal.

CXXIV. Any Individual aggrieved by a final Decision of the Council of a County may appeal against such Decision to the Administrative Council within the like Period of *Seven Days*, but in all Cases he shall first sign an Undertaking, as well as give valid Security in the Sum of to prosecute the Appeal, and to

to pay all Costs and Expenses which may be given against him by the Administrative Council, and also any Sum not exceeding Pounds which may be imposed on him by the Council if his Appeal be declared by it to be frivolous and vexatious.

- 5 CXXV. In any Case where a Party having a Claim against a County shall be dissatisfied with the Decision of the Council in respect of such Claim, the Party so dissatisfied may in like Manner appeal against such Decision, either to the next Assizes or the next Quarter Sessions, according to the Amount of the Claim, and such Party shall not be required to give any Undertaking or Security for the Prosecution of his Appeal; and all Notices of Appeal shall contain a short Statement of the Grounds on which the Appellant relies, and he shall be confined to such Grounds, and shall not be allowed on the Trial to bring forward any other Grounds of Appeal.
- 10
- 15 CXXVI. In Cases of Appeal the Clerk may require satisfactory Evidence to be given in respect of the Solvency of the Security tendered: Provided always, that if the Undertaking be signed, and the Security be entered into in the proper Form, before any Two Magistrates of the County, who shall at the same Time certify their Knowledge of the Parties signing, and their Belief in their Solvency, the Undertaking and Security so entered into shall be sufficient if lodged with the Clerk within the Time specified.
- 20

Parties having Claims against the County Council may appeal to Courts of Justice.

How Appeals are to be entered into.

- CXXVII. Any Person intending to appeal may, on Tender of the Sum of *One Shilling*, require the Clerk to supply him with the necessary Forms of the Undertaking and of the Bond; and the Undertaking may be signed and the Bond executed either in the Presence of Two Magistrates as aforesaid, or in the Presence of the Clerk of the Council; and the Clerk shall, within *Fifteen* Days after any Meeting, publish in One or more Newspapers circulating within the County (as determined by the Council) a List of all the Decisions of the Council against which Appeals have been perfected.
- 25
- 30

Forms of Appeal are to be furnished by the Clerk.

The President of the County, and Officers connected with the Duties of the President.

- CXXVIII. In respect of the due Execution of the Provisions of this Act, and the Protection of public and private Interests, be it enacted, That the Lord Lieutenant shall select a President and a Vice-President for every County in the Manner following:
- 35

Councils of Counties to submit to the Lord Lieutenant Lists of Persons recommended for the Offices

So soon as each County Council shall be formed, they shall prepare a List of *Three* Persons resident within the County

[110.]

F 3

whom

of President
and Vice-
President.

whom they recommend for the Office of President, and a Second List of *Three* Persons so resident for the Office of Vice-President of the County; and he may object to all or any of such Names, and may subsequently, if he shall assign Motives for his Objection, continue to object to the Lists 5 submitted to him until he shall be satisfied therewith.

Lord Lieu-
tenant to
select from
such Lists.

CXXIX. From the Lists so supplied he shall select One Person to be President and another Person to be Vice-President of each County; and such President and Vice-President shall hold Office during the Pleasure of the Lord Lieutenant; and if either be dismissed or shall 10 resign, his Name shall not, except with the Consent of the Lord Lieutenant, be inserted in the new Lists to be supplied by the Council from which his Successor is to be selected.

Salaries to be
assigned to
each.

CXXX. The Lord Lieutenant shall assign a Salary to each President of a County, not exceeding *Five hundred Pounds* per 15 Annum, nor less than *Two hundred and fifty Pounds*, in proportion to the Extent and Number of the Districts which shall be under his Charge, and also a Salary not exceeding *Two hundred Pounds* nor less than *One hundred Pounds* to each Vice-President.

President
and Vice-
President not
to be both
absent from
the County
at the same
Time.

CXXXI. The President and Vice-President of a County shall at 20 no Time be both together absent therefrom, nor shall either be absent from the County without the Permission of the Lord Lieutenant; and the Vice-President shall be bound to do any Act or Duty connected with the Administration of this Act which shall have been deputed to him by the President. 25

Assessor of
the Courts
to be ap-
pointed.

CXXXII. The Lord Lieutenant shall, from a List of Three Barristers of not less than *Seven* Years standing at the Bar, to be submitted to him by the Council (but subject to Objection as herein- before provided with respect to Lists of Persons for the Office of President and Vice-President of a County), select One Person to be 30 the Assessor of each County, who shall be the legal Adviser of the President and of the several Councils within the County in respect of the Execution of this Act, and who shall hold Office during the Pleasure of the Lord Lieutenant, or until *Three Fourths* of the entire Council of the County shall have determined on his Removal, 35 and a Salary shall be assigned to each Assessor by the Lord Lieutenant, varying from *One hundred and fifty Pounds* to *Three hundred Pounds* per Annum, according to the Extent and Number of Districts within the County, and in addition to the Fees herein-after provided for such Assessors in respect of the Duties to be performed by them. 40

CXXXIII. The

CXXXIII. The President of the County shall also select a Solicitor resident within the County, who, when approved of by the Council, shall be the Solicitor of the County, and shall be paid, out of the Fees payable by Applicants or out of the County Levies, such Salary or Remuneration as the Council shall determine.

Also Solicitor.

CXXXIV. The President shall appoint a competent Person to act as his Secretary, to whom a Salary shall be assigned by the Lord Lieutenant not exceeding *One hundred and fifty Pounds*, nor less than *One hundred Pounds* per Annum, according to the Extent and Number of Districts within the County: He shall also appoint an Auditor of the Accounts of the County Council, and of the several District Councils within the County, to whom either a Salary not exceeding *One hundred Pounds* per Annum nor less than *Fifty Pounds*, as shall be determined by the Lord Lieutenant, shall be paid by the Council of the County, or, if so determined by the Lord Lieutenant, a Per-centage on the Amount audited, not exceeding the Amount now levied on the County for the Audit of County Accounts; and such Auditor may be removed by Order of the Lord Lieutenant or of the President.

Also a Secretary to the President, and an Auditor of the County Accounts.

CXXXV. The Lord Lieutenant may also assign to the President such Sum as he shall think fit for the reasonable and necessary Expenses of an Office, which shall be called the President's Office, and for Clerks, Stationery, and other Office Expenses; and the Office shall be kept in such Place within the County as the President, with the Approval of the Council, shall select.

Expenses of the President's Office.

The several Salaries and Allowances which shall have been assigned as aforesaid by the Lord Lieutenant shall be paid by the Commissioners of Her Majesty's Treasury of the United Kingdom of Great Britain and Ireland, at the same Periods and in like Manner as other Civil Services under the Crown in Ireland are paid out of any Funds appropriated by Parliament for the Purpose; but in consideration thereof be it enacted, That—

CXXXVI. *All Applications made to any Council, and all Contracts entered into with and Bonds given to a Council, shall be written on Paper stamped with such Stamp, or with such Stamp affixed thereto, as shall be requisite according to the Schedule to this Act annexed; and no other Stamp shall be required for any such Documents, notwithstanding any Statute now in force relating to Stamp Duties.*

All Applications to any of the Councils to be on stamped Paper.

The Stamp Office to cause separate Stamps to be made.

CXXXVII. The proper Officers of the Stamp Department shall cause separate and peculiar Stamps to be made for County Purposes, and shall direct them to be sold by all Persons who are authorized to sell Stamps for other Purposes; and all such Penalties as attach to the Forgery of Postage or other Stamps shall apply to the Forgery of any Stamp so issued.

Clerk of Councils to be responsible for the Stamps being real.

CXXXVIII. If any Clerk of a Council shall bring under the Consideration of the Council any Document not duly stamped, or if any such Clerk shall countersign any Document containing any Contract or Decision of the Council without the proper Stamp being thereon or attached thereto, or if he shall neglect to cancel such Stamp when such ought to be cancelled, either by stamping it with the Seal of the Council or otherwise, or if he shall permit to be used on any new Application a Stamp which shall have been previously cancelled, such Clerk shall be subject to a Penalty of Fifty Pounds.

Separate Account of County Stamps to be kept.

CXXXIX. A separate Account of the Stamps so issued shall be kept, and if at the End of Two Years it shall be found that the Value of such Stamps shall exceed One Half of the Amount of Salaries and Allowances assigned under this Act by the Lord Lieutenant, it shall be lawful for him, with the Consent of the said Commissioners of Her Majesty's Treasury, either to reduce the Amount of the Stamps required by this Act, or to exempt from the Necessity of being stamped any Class of Documents for which a Stamp is required by this Act; and Notice of such Reduction or Exemption having been given by Publication in the Dublin Gazette, all Documents hereby required to be stamped shall thenceforward be stamped only as required in such Notice.

President responsible for the Execution of this Act within his County. The President may suspend the Orders of any Council within the County.

CXL. In respect of the Duties of the President and Vice-President of a County, the President (or in his authorized Absence the Vice-President) shall be responsible for the proper Execution of this Act within the County; and if he shall consider any Act or Order of a Council to be contrary to the Laws of the Realm or to the Public Weal, he may order it to be suspended for Fourteen Days, in order that it may be referred to the Lord Lieutenant, who, if he thinks fit, may still further suspend it for Twenty-one Days, in order that it may be considered by the Administrative Council, whose Decision thereon shall be final and conclusive.

President responsible for the Audit of County Accounts.

CXLI. The President shall be responsible for the Acts of his Secretary, and also for the proper Audit of the Accounts of the several Councils within the County, and may disallow any Item contained in such Accounts, if he shall consider that any Payment has been

been made without sufficient Authority; with Power, nevertheless, to any Council to appeal to the Administrative Council of the Lord Lieutenant against his Decision; and in case of final Disallowance of any Payment, those who signed the Order, and the Clerk who
5 countersigned it, shall be responsible to the Treasurer for its Re-
payment.

CXLII. If any Complaint shall be made to the President against any District Council, either in respect of its Neglect of Duty or Mis-
use of its Powers, he may require the Chairman of the District or of
10 the Division, or the Engineer or other Officer of the District or
Division, as the Case may require, to report thereon; and if the Presi-
dent shall think fit to do so, he may bring the Complaint under the
Consideration of the Council of the County, who may make such
Decision thereon as the Nature of the Case may require, and as if an
15 Appeal had been lodged in the Manner herein-before set forth against
any Decision of a District Council; or the President may bring the
Complaint under the Consideration of the Executive Committee of the
Council of the County, which shall have Power to order such local
Inquiries to be made by the Engineer or other Officer of the County,
20 or by such Persons as such Committee shall depute thereto, as they
may think fit; and such Committee may bring the Case before the
Council, to be dealt with by them, or may decide thereon summarily,
as the Justice of the Case may require; and the Council, with the
Consent of the President, may order all the Costs and Expenses of
25 such Inquiries to be charged against the District complained against;
subject always to any Right herein-before given of Appeal from the
Decision of the County Council to the Administrative Council of the
Lord Lieutenant.

CXLIII. If any Complaint shall be made to the President against
30 the Council of the County, in respect of Neglect of Duty or Misuse
of Powers, or if the President shall be of opinion that it has neglected
its Duties or misused its Powers, he may bring the Subject under
the Consideration of the Lord Lieutenant, who, with the Consent of
the Administrative Council, may make such Order thereupon as the
35 Justice of the Case may require.

CXLIV. The President of each County shall receive and keep the
several Securities entered into by the Clerks, Engineers, Treasurers,
and other Officers, as well of the County as of the several Districts
within the County, and shall allow such Securities to be inspected by
40 any Ratepayer, when reasonably required so to do, and once at least
[110.] G in

President
may cause
Complaints
made against
District
Councils to
be investi-
gated by
County
Council.

President
may refer
Complaints
against Dis-
trict Council
to the Ad-
ministrative
Council.

President
to keep all
Securities.

in every Year he shall require from the Chairman of each Council a Report on the continued Sufficiency of the Securities, and, if necessary, he may require that new Securities shall be given.

Copies of
Proceedings
of all Coun-
cils are to be
forwarded to
the Presi-
dent.

CXLV. A Copy of the Proceedings of every Council, and of every Executive Committee where final Power of Decision on any Appli- 5 cation has been deputed to it by the Council, shall be forwarded by the several Clerks of the Councils within a County to the President of the County within *Three* Days after the Meeting of the Council or of the Committee; and if the President shall think fit, in virtue of the Power herein-before given to him, to suspend the Execution of any 10 Order of a Council, a Notification of such Suspension shall be forwarded by him to such Council within *Seven* Days after the Receipt of such Copy as aforesaid.

President
may autho-
rize Recourse
to the Pro-
visions of
certain Acts
in respect of
Public
Works.

CXLVI. If any Work or Undertaking for the Execution of which heretofore Provision could not have been made by the Presentment of 15 a Grand Jury shall have been determined on by any Council, whether of a County or District, and shall have received its final Sanction in the Manner herein-before provided, the President of the County shall have Power, by Warrant under his Hand, to authorize such Council to have recourse to such of the Provisions of the "Lands Clauses 20 Consolidation Act, 1845," or the "Railway Clauses Consolidation Act, 1845," in respect of the Purchase of Land or Materials for the Building, and in respect of the Payment of Damages and Compensation, and such other of the Provisions thereof as shall be applicable to such Work or Undertaking, and as the President shall cause to be 25 inserted by such Warrant; and such Warrant shall be countersigned by the Assessor of the County, and Notice of the Warrant having been signed, and of its general Provisions, shall be published in One or more Newspapers circulating within the County, and all Persons shall thereupon be bound to obey and observe the Requirements of 30 such Warrant in all respects; and if in any Case a Question shall arise as to a Claim for or the Distribution of any Sum to be awarded by way of Damages or Compensation through or by reason of the carrying into effect of such Warrant, or of the Proceedings of the said Acts thereby applied to the said Work or Undertaking, such Question may, 35 with the Consent of the Parties, be determined by the President, with the Advice of the Assessor, or if the Parties or either of them shall so desire, or if the President shall think that the Question ought to be so determined, the Question shall be determined in the Manner by the said Acts or either of them (as the Case may be) provide for the 40 Settlement of Questions with respect to Damages or Compensation.

CXLVII. And

CXLVII. In respect of any private Undertaking, so soon as it shall have received such final Sanction, either of a County or District Council, as is required under the Provisions of this Act, the President of the County within which such Undertaking is to be executed shall have the like Power, but subject to the like Restrictions, as in Cases of County or District Works, of authorizing the Undertaker or Undertakers to avail him or themselves of the Provisions of the Lands Clauses Consolidation Act, 1845, or of the "Railways Clauses Consolidation Act, 1845," in respect of the Purchase of Lands and the Payment of Compensation, or in respect of any other Matter contained therein, and also of so much of the several above-mentioned Acts of One thousand eight hundred and forty-seven as the Case may require or as may be applicable.

Also in respect of private Undertakings.

CXLVIII. In all Cases where the Sanction of the President is applied for in respect of Byelaws or Regulations made under the Provisions of this Act, he may order such local Inquiries to be made as he shall consider requisite, and shall, previous to his sanctioning or giving Promulgation to them, submit them to the Lord Lieutenant, and sanction and promulgate only so much of them as he shall receive the Authority of the Lord Lieutenant to sanction and promulgate.

All Byelaws are to be submitted to the Lord Lieutenant before Promulgation.

CXLIX. If any Council shall have sanctioned any private Undertaking, and shall have required Security to be given for the Execution of the Work, or for the Payment of any Costs, Damages, or Compensation incident thereto, and shall have determined the Amount of such Security, and shall have approved of the Names of the Sureties offered, the President shall be responsible for the proper Completion of the Security, and for its Preservation, and Production when duly required; or when the Council shall have sanctioned the Undertaking, but shall not have determined the Amount of the Security to be given, the Council may depute to the Executive Committee to determine, with the Assent of the President, the Amount of Security which shall be given, and to approve of the Names of the Sureties which may be offered; and when the Security shall have been completed, the President shall, as in the former Case, be responsible for its Preservation, and Production when duly required.

The President is responsible for the Completion of Securities required in respect to private Undertakings.

CL. In all Cases of private Undertakings which are by this Act required to be submitted to the Council of the County for its Approval, the President of the County shall, if the Undertaking shall have been approved of by a District Council, within *Fifteen* Days after the Application has been lodged in the County Office, or within a like Period after the First Decision of the County Council thereon, advise with the Assessor or Engineer of the County, as the Nature of

In Cases of private Undertakings local Inquiries may be ordered by the President, with Advice of Executive Committee.

the Application may require, and determine the Amount of Money which shall be lodged by the Applicant with the Treasurer of the County for the Payment of the preliminary Expenses connected with such Undertaking which may be incurred; and the President shall convene the Executive Committee of the County, and may, with their 5 Advice, order such local Inquiries or Surveys or Examinations of the Locality affected by the Undertaking, and such Investigation in respect of the Interests of Individuals affected by it, as he shall consider requisite, and by such Persons as he shall depute thereto; and all such Inquiries shall be made at the Expense of the Applicant, 10 and may be paid for out of any Money lodged as aforesaid by such Applicant with the Treasurer; and so soon as such Inquiries or Surveys shall have been completed the President shall lay the Result thereof, and an Account of the Expenses incurred thereby, before the Executive Committee, which shall report thereon to the Council as it 15 shall think right: Provided always, that if in any Case the Money which the President shall, under the Provisions of this Act, require to be lodged with the Treasurer for the Payment of preliminary Expenses be not paid within the Time specified by him, or if in any Case the requisite Security be not given, all further Proceedings in respect of 20 the Application shall be suspended.

In certain Cases of private Undertaking President may determine the Amount which shall be lodged for the Payment of preliminary Expenses.

CLI. In all Cases of private Undertaking, where the Consent thereto of the Council of the County shall not be necessary under this Act, the President may, so soon as the Application and the Decision 25 thereon of the Council of the District or of the Executive Committee thereof shall have been forwarded to him, with the Advice of the Assessor or of the Engineer of the County, as the Case may require, determine the Sum which shall be lodged by the Undertaker or Undertakers with the Treasurer of the County for the Payment of preliminary Inquiries as herein-after, and may also, notwithstanding 30 any previous Examination by the Council, or the Executive Committee thereof, if he shall consider that further Examination be required for the Protection of public Interests or the Interests of Individuals who shall claim to be affected by the Undertaking, direct such Examinations to be made as to the Correctness of the 35 Plans, and the probable Advantage of the Undertaking, and also such Inquiries in respect of the private Interests which may be affected by it, as he may think right, and by such Persons as he may depute thereto; and he may, with the Advice of the Assessor, require that such Notice of the Application shall be given to Parties whose Interest 40 may be affected thereby as he shall think fit; and he may require Searches to be made in any Office of Registration, and the Production of any Papers and Documents, or sufficient Copies thereof, which may be necessary for the Proof of the Title of the Undertakers or of any Persons

Persons who may allege that they will be affected by such Undertaking, and may order the Payment of all Expenses so incurred to be made by the Treasurer out of the Money lodged as aforesaid by the Undertakers, and he may sanction such Alterations of the Plans as
 5 may be desired by Parties interested, and which he shall consider reasonable and just; and in any Case, if the President shall have Reason to believe that the District Council which has approved of such Undertaking has been misled, either through the Incorrectness of the Plans or in respect of any Statement laid before such Council,
 10 he may direct that the Application shall be reconsidered by such Council; and if he shall consider that the Interests of the Public or of the County at large, or of Districts other than that which shall have sanctioned such Undertaking, may be materially affected by the Application, he shall have Power to convene the Executive Com-
 15 mittee of the County to consider the Application, and such Executive Committee may in such Case appeal against the Application in the Name of the Council of the County to the Lord Lieutenant in Council, whose Decision thereon shall be final.

CLII. If the Executive Committee of a County shall be con-
 20 vened as aforesaid by the President, and if within *One Hour* after the Time appointed by the President for the Meeting of such Committee, of which he shall give due Notice to the Members thereof, *Two* Members of such Committee at least shall not be present, or if *Two* Members shall be present, and shall disagree, the President may
 25 act in the Matter on his own Authority; and any Report or Order he may make or issue in respect of such Matter shall have the same Authority as if he had made or issued it with the Consent of a full Meeting of the Committee convened as aforesaid.

If Executive Committee does not meet at Time appointed, President may act alone.

CLIII. The President may authorize any Person whom he shall
 30 have deputed to hold any local Inquiry to summon Witnesses before him, and also to require the Production of Papers or Documents that may be necessary, and to administer an Oath to any Person summoned as a Witness before him; and any Person neglecting or refusing to attend or to give Evidence, or who shall give false Evidence, on any
 35 such Inquiry, shall be subject to all the Penalties to which a Person refusing or neglecting to attend before a Court of Justice when legally summoned, or refusing to give Evidence, or giving false Evidence, before such Court, as the Case may be, may be subject: Provided always, that no Person shall be required to attend at any
 40 Place more than Miles distant from his Place of Residence, or the Place where he may be residing when summoned, nor unless a sufficient Sum shall have been tendered with the Summons for his

Powers which the President can depute in respect of local Inquiries.

reasonable Expenses in going to and returning from the Place stated in the Summons.

President
may appoint
Arbitrator
in certain
Cases of
Commuta-
tion.

CLIV. If in any Case it shall be proposed under this Act to redeem or commute any Rights of Common, Pasture, Water, Lime-stone, or other Rights or Easements, the President of the County may, at the Expense of the Applicant, appoint an Arbitrator to ascertain the Value of the Right or Rights proposed to be commuted, and to ascertain in what Manner such Rights may best be redeemed or commuted, or, with the Advice of the Assessor, the President may determine thereon as he shall think right: Provided always, that if the Party whose Rights shall be so proposed to be redeemed or commuted shall be dissatisfied with the Decision of the Arbitrator or of the President, he may appeal against such Decision to the Superior Courts in *Dublin*, or to the Assistant Barrister of the County, as the Case may be; and the Decision of the Court in such Case shall be final, and the Costs connected with all the Proceedings shall be in the Discretion of the Court.

Money
lodged for
preliminary
Inquiries
how to be
drawn.

CLV. All Money lodged with the Treasurer of the County under the Provisions of this Act, in respect of any Application which is to be submitted to a County Council, shall be placed to the Credit of the President and Council of the County, and may be drawn by Orders signed by the President and Chairman of the County, or in his Absence by the President and Vice-Chairman, or by the President and Two Members of the Executive Committee of the County, and such Order shall be countersigned by the Secretary of the President; and all Money lodged in respect of any Application which does not require the Assent of the County Council shall be lodged with the Treasurer to the Credit of the President alone, and may be drawn by Orders signed by the President and countersigned by his Secretary; and every such Order shall specify the Application in respect of which such Order is issued, and the Name of the Person to whom the Amount is to be paid.

No Money
to be bor-
rowed by
any Council
without
Assent of
President.

CLVI. No Money shall be borrowed by any Council under the Provisions of this Act, except with the Consent of the President, who shall be responsible for the Amount borrowed not exceeding the Amount permitted to be borrowed by this Act, and who shall see that the Requirements of this Act in respect of the Repayment of the Principal Sum borrowed, with Interest, are observed; and the President may in all Cases object to the Rate of Interest proposed.

CLVII. All

- CLVII. All Warrants signed by the President of any County, all Documents signed by him purporting to be final Decisions on any Subject, and all Byelaws and Regulations which shall have received his Sanction, shall be engrossed in Duplicate; and in every Case both
- 5 Copies shall be signed by him, and where herein-before required shall be countersigned by the Assessor and Clerk of the Council of the County; and One of such Copies shall be registered and kept for public Inspection in the Office of the Clerk of the Peace of the County; and in case of any Discrepancy between such Copies the
- 10 Copy so lodged in the Office of the Clerk of the Peace shall be held to be the true Warrant or Document or Copy of the Byelaws, with Power, nevertheless, to the President to correct any Error which may appear in the Copy so lodged and registered; and the Clerk of the Peace shall keep all Documents connected with the same Application
- 15 together, and he shall make an Index thereof, and all Documents registered shall be entered in the Index relating thereto within *Twenty-four* Hours after their being received by him, and he shall classify the Applications, and shall enter under the Heading of each Application all Documents registered which may be connected
- 20 therewith, and a separate Index shall be kept by him for the County and for each District within the County.

Warrants signed by President shall be in Duplicate; the Copy lodged with the Clerk of the Peace shall be the authentic Copy.

- CLVIII. The President of the County shall cause a Copy of all Documents signed by him, which shall have the Effect of a Demise or Transfer of Lands or other Real Property, to be registered in the
- 25 Office for the Registration of Deeds in *Dublin*, and a Copy thereof shall also be lodged in the Office of the Clerk of the Peace for the County, which shall be registered by him in the Manner aforesaid.

President to cause certain Documents to be registered.

- CLIX. In Cases of private Undertaking, where a Guarantee of Interest shall have been given by any Council in respect of the
- 30 Expenditure of any Undertaking, the Undertakers thereof shall half-yearly lay a Statement of their Accounts before such Council; and if there shall be any Item of Expenditure contained in such Statement which shall appear to such Council to be not in accordance with the Purpose for which the Guarantee was given, such Council may
- 35 appeal to the President in respect of such Item, who may decide thereon, subject to Appeal by either Party to the Administrative Council; and if the President or the Administrative Council, on Appeal, shall decide against the Item complained of, it shall not be included in the Sum in respect of which Interest can be claimed under the
- 40 Guarantee; and in any Case where Interest shall be claimed under a Guarantee, the Council that has given such Guarantee may object to any Portion of the Expenditure which shall seem excessive, or not in accordance with the Agreement entered into with the Council, or

Powers of President in respect of the Accounts of Undertakers where a Guarantee of Interest shall have been given.

to be an unnecessary Expenditure, subject to the like Appeal to the President and to the Administrative Council; and in either Case the President or the Administrative Council may determine that any Costs incurred by the Undertakers in respect of such Complaint shall be paid by the Council complaining.

5

Money
lodged by
Applicants
in respect
of private
Undertaking
to be ac-
counted for.

CLX. To the financial Statements herein-before required to be laid before the several Councils appointed under this Act there shall in every Case be added a separate Statement of all Sums received from Applicants on account of Works of private Enterprise, and of the several Items of Expenditure on account thereof which have 10 been made by Order of the President, and such Accounts shall be signed by the President, and shall be countersigned by his Secretary.

How Appli-
cants or Ap-
pellants may
withdraw
their Ap-
plications or
Appeals.

CLXI. If an Applicant for any Work, or an Appellant, shall be desirous to withdraw his Application or Appeal, he shall give Notice in Writing of his Wish to do so to the President, who shall 15 give such public Notice thereof as he shall consider sufficient, and shall therein call on all Persons who shall have Claims against the Applicant or Appellant in respect of such Application or Appeal to send a Statement thereof to his Office within a Time stated; and so soon as he shall be satisfied that there are no outstanding Claims, 20 or that all Claims shall have been satisfied, he may repay any Money which shall remain in the Hands of the Treasurer in respect of such Undertaking unexpended, or give up to the Applicant or Appellant the Bonds or Securities which may have been entered into or given.

How Costs
to be taxed
in private
Undertak-
ings.

CLXII. If an Applicant in a private Undertaking shall consider 25 that he has Reason to complain of Costs charged by the Solicitor of the County, such Costs shall be examined and taxed by the President, or he may depute to the Assessor and to *Two* Members of the Council of the County to report thereon, and the President shall give his Decision in accordance with such Report, and the Decision of the 30 President in either Case shall be final.

President
may direct
Notice of
Applications
to be pub-
lished in the
London
Gazette.

CLXIII. The President in all Cases of private Undertaking may, in addition to the Publication of Applications required by this Act, require such further Publication in the London Gazette, or in any Newspaper circulating within the County, or in any Dublin or 35 London Newspaper, as he shall consider requisite, in order to give Notice of such Application to all Persons who may be affected thereby.

General Provisions.

All Acts now
in force and
available by

CLXIV. All Acts of Parliament in force at the passing of this 40 Act which have enabled the Grand Jury of a County, or any Contractor,

tractor, or other Person acting on a Presentment by such Grand Jury or under its Authority, to do any Act or Thing in pursuance of or in execution of any Matter or Subject presented by such Grand Jury, shall apply to the several Works or Undertakings or Orders of the
 5 Councils of the County or District, and also to all Questions of Costs or Damages or Compensations which may arise in respect of such Works, when not otherwise provided for under the Provisions of this Act: Provided always, that the Maintenance of deserted Children, which has heretofore been paid from local Rates, shall henceforward
 10 be provided for by the Board of Guardians of the Union in which the Parish to which such Children were or would have been heretofore chargeable is situated.

Grand Juries shall extend to Councils.

How de-
serted Chil-
dren are to
be provided
for.

CLXV. All Notices required to be served under this Act may be served by Registered Letter, if the Address of the Party be known,
 15 and that it be in the United Kingdom; but if otherwise, the Insertion of the Notice in the Dublin Gazette and in One Newspaper circulating within the County or Counties which may be affected by such Notice shall be sufficient.

Notices may
be served by
Registered
Letter.

CLXVI. All Maps, Plans, and Sections, either in respect of public
 20 Works or private Undertakings, shall be drawn on such a Scale as shall be determined on by the Administrative Council of the Lord Lieutenant to be the general Scale to be used in all Applications to Councils, but different Scales may be determined on by the Council for different Classes of Works; and in all such Maps, Plans, or
 25 Sections, where a Margin for Deviation may be required, it shall be shown thereon; and in order to give full Information to the Occupiers whose Lands may be affected by the proposed Work, the full Boundaries of every Field which or any Part of which shall be proposed to be taken by the Undertakers shall be shown on such Maps, Plans,
 30 and Sections, as well as any Bridge, Road, Church, Chapel, House, or other Building lying within One hundred Yards of the proposed Work or of any Line of Deviation.

The Scale
on which
Maps, Plans,
&c. are to be
drawn is to
be settled by
the Admi-
nistrative
Council.

CLXVII. In every Case where an Application shall be made for the Sanction of any Council under this Act for any private Under-
 35 taking, in respect of which Rates may be levied off any Town, under the Provisions of any of the above-mentioned Acts of One thousand eight hundred and forty-seven or of this Act, a Copy of the Application, and of all Maps and Documents connected therewith, and a Statement of the Rates or Charges which it is proposed to make
 40 in respect of such Undertaking, shall, in addition to the general Notices required under this Act, be lodged by the Applicant with the

In certain
private Un-
dertakings
Plans, &c.
to be lodged
with Post-
master of the
Town.

Postmaster of such Town, and shall remain there for public Inspection for at least Days before such Application shall be taken into consideration; and if the Application shall affect any tidal or navigable River, or the Shores of the Sea or of any Bay or Harbour, a Copy thereof, and of all Documents connected therewith, shall be 5 lodged with the Postmaster of the Town in or nearest to which the Work is proposed to be executed, and another Copy thereof and of all such Documents shall be sent to the Lord High Admiral of the United Kingdom of Great Britain and Ireland, or the Commissioners for executing the said Office of Lord High Admiral for the Time being. 10

Where the
Plans are to
be lodged
with the
nearest
Postmaster.

CLXVIII. In every Case where an Application shall be for any private Undertaking for the Improvement of Lands by Drainage, Irrigation, or otherwise, or for the Reclamation of Waste Lands, or the Embankment of Waste of River or Sea, or for any Work of private Enterprise which may be undertaken under the Provisions of this Act, 15 a Copy of the Application and of all Documents connected therewith shall be lodged by the Applicant with the Postmaster of the Town nearest to the Place where such Undertaking is proposed to be executed, to be kept there for public Inspection for such Period of Days as aforesaid; and every Occupier whose Lands shall 20 appear by such Plans to be affected by the Undertaking may require a Copy of such Plans to be supplied to him, without Charge, by the Undertakers.

Power of
Superior
Courts over
the several
Councils.

CLXIX. In order to ensure due Submission of the inferior Councils to the Orders of the President and to the Decisions of the Superior 25 Councils, be it enacted, That the President of the County or any superior Council may apply to any of the Superior Courts in Dublin for an Injunction to restrain any inferior Council from doing any Act which the President or the superior Council under this Act has Power to prohibit or suspend, or for an Order to compel such inferior 30 Council to do any Act which under the Provisions of this Act it is required to do in accordance with the Order of the President or of the superior Council; and every Member of such inferior Council shall be personally responsible for any Act which he may do or omit or neglect to do in contravention of such Order or Injunction, as the Case may 35 be; and every Member of an inferior Council who shall have been present at any Decision of the Council which shall be in contravention to the Decision of a superior Council or of such Orders of the President as he is under this Act authorized to issue, and who shall not have required that his Dissent from such Decision should 40 be recorded in the Minutes, and the Clerk who shall have countersigned such Decision, shall each and every one be liable to such Fine not

not exceeding *Fifty Pounds* as the Court under the Provisions of this Act shall impose, and to all the Costs incurred in consequence of such Proceedings in any of the Superior Courts.

CLXX. In all Cases of Compensation in respect of Works of
 5 private Enterprise where the President of the County shall, with the
 Advice of the Assessor, consider it right, or when the Parties interested
 shall desire it, the Compensation to be made to any Person may be
 commuted for a perpetual Rent, leviable from off the Lands of the
 Party by whom the Compensation is to be paid; and in such Case
 10 the Warrant of such President shall give Power of Entry and of
 Distress for the Recovery of the Rent reserved, and all other Powers
 for the Recovery of the commuted Rent as are usually contained in
 Leases of Lands for the Recovery of the Rents reserved thereby.

Compensa-
 tions may be
 commuted
 for perpetual
 Rents.

CLXXI. Every Council of a County or of a District shall be
 15 empowered to sell or exchange, or let on Lease, or to surrender,
 whether with Payment of Fine or otherwise, any Real Property
 which it may hold or be possessed of, provided that the Consent of
 the President of such County, and of the Lord Lieutenant in the Case
 of a County Council, or of the President and of the County Council
 20 in the Case of a District Council, as the Case may be, shall have been
 given thereto.

Where
 Councils
 may desire
 to alienate
 Property.

CLXXII. All Proposals for such Alienations or Dispositions of
 Real Property shall be brought before the several Councils in like
 Manner as Cases of Application for Works, and similar public Notice
 25 thereof shall be given; and when such Proposals shall have been finally
 approved of, the Deed of Conveyance, or of Lease or Surrender, shall
 be executed by the Chairman and One Member of the Council, and
 shall be countersigned by the Clerk, and also be countersigned by the
 President of the County as approving of it.

Proposals to
 alienate must
 be brought
 before Coun-
 cils as other
 Applica-
 tions.

CLXXIII. In Cases of private Undertaking, where the Approval
 and ultimate Sanction of any Application, except it be appealed
 against, rests with One Council, whether such Council be of a County
 or District, the Applicant shall, previous to lodging his Application
 with the County or District Office, pay to the Treasurer of the
 30 County or District, as the Case may be, the Sum of *Twenty Pounds*,
 which shall be dealt with by the Treasurer in the Manner herein-after
 directed: Provided always, that if the Application shall not be
 approved of by the Council on the First Consideration thereof, *One*
Half of the Sum so paid to the Treasurer shall be repaid to the
 40 Applicant.

Fees to be
 paid to the
 Councils by
 Applicants
 for private
 Works.

Fees to
District
Councils.

CLXXIV. In Cases of private Undertaking where an Application is by this Act required first to be approved of by a District Council, and to be ultimately sanctioned by the County Council, the Sum of *Ten Pounds* shall be paid in manner aforesaid to the Treasurer of the District; and if the Application be approved of, a like Sum, and in 5 like Manner, shall also be paid to the Treasurer of the County: Provided always, that if the Application is such that by this Act it is required to be laid before more than One District Council, then *Five Pounds* only shall be payable by the Applicant to each District Council. 10

How such
Fees are to
be allocated.

CLXXV. The Payments required by the Two previous Clauses shall be carried by the respective Treasurers to the general Credit of the County or District, as the Case may be, and shall be deemed to form any Portion of the Sum which an Applicant may be required to lodge with the Treasurer in respect of the Expenses which may be 15 incurred under the Orders of the President, or of any Council, of Expenses which may be incurred under the Orders of the President.

Every Ap-
plicant for
a private
Work shall
have an
Agent in the
County.

CLXXVI. Every Applicant for a private Undertaking, if he do not reside within the County to which such Application relates, shall with his Application state the Name and Address of some Person or 20 Firm resident within the County who or which shall be his authorized Agent for receiving all Notices or Requisitions.

Administrative Council of the Lord Lieutenant.

Administra-
tive Council
of the Lord
Lieutenant
not to be
continued.

CLXXVII. For the Purposes of this Act, the Lord Lieutenant of Ireland shall be assisted by a Council, which shall be called the 25 Administrative Council, and shall be composed as follows: The Chief, or, in his Absence, the Under Secretary of Ireland, the Lord Chancellor of Ireland, and Two other Judges of the Superior Courts selected by the Lord Lieutenant, the Chairman of the Board of Works, the Chief Poor Law Commissioner, the Presidents of the 30 several Counties, and *Ten* such other Persons as the Lord Lieutenant shall select.

Lord Lieu-
tenant may
select a Pre-
sident and
Vice-Presi-
dent.

CLXXVIII. The Lord Lieutenant shall select a President and Vice-President of the Council; but in the Absence of both the Council may elect a President for the Day. 35

Clerk of
Privy Coun-
cil to act as
Clerk of the
Administra-
tive Council.

CLXXIX. The Clerk of the Privy Council in Ireland shall act as Clerk of the Administrative Council, and Minutes of all Proceedings of the Council shall be kept by him, and shall be authenticated by the Signature of the President of the Day, and by the Counter- 40 signature of the Clerk.

CLXXX. The

CLXXX. The Council shall meet when thereto required by the Lord Lieutenant.

Council to meet when convened by Lord Lieutenant.

CLXXXI. The Administrative Council shall act as a Court of Appeal from the Decision of the inferior Councils, and shall hear and determine all Differences which shall arise between Counties, and all Questions which under the Provisions of this Act may be brought under its Cognizance.

Administrative Council to act as a Court of Appeal;

CLXXXII. The Council shall, with the Assent of the Lord Lieutenant, frame Rules and Regulations for the Conduct of its Proceedings, and for the Manner in which Applications or Appeals shall be brought before it, and shall give public Notice thereof.

may vary Rules for the Conduct of its Proceedings.

CLXXXIII. The Decisions of the Administrative Council which shall not have been disapproved by the Lord Lieutenant shall be binding on all inferior Councils in all Cases which under the Provisions of this Act are subject to its Cognizance.

Decision of Administrative Council binding on all other Councils.

CLXXXIV. The Lord Lieutenant may dissent from any Decision of the Council; and if he shall so dissent, such Decision shall be null and void, but he shall cause a Statement to be entered on the Minutes of the Council of the Motives which have led to his Dissent.

Lord Lieutenant may dissent.

CLXXXV. All Decisions of the Council shall take effect in *Seven* Days after the Meeting of the Council, if the Lord Lieutenant shall not in the meantime have dissented from such Decision.

Decisions of Administrative Council to take effect in Seven Days.

CLXXXVI. If it shall appear to the Lord Lieutenant that the public Interests are affected by any private Work undertaken by a Company or otherwise which shall have received the Sanction of a Council, or by any Work of a Kind not heretofore presentable by a Grand Jury, and which it may be proposed to execute at the Charge of any Division, District, or County, he may bring such Work under the Consideration of the Council, as if an Appeal had been lodged against the Work, and the Council may order that the further Prosecution of such Work, or any Proceedings which might otherwise be taken in respect of it, shall be suspended for such Period not exceeding *Forty* Days as it shall consider requisite, and may order such local Inquiries or Surveys to be made as it shall think right, and by such Persons as it shall depute thereto, with such Powers of summoning Witnesses, requiring the Production of Papers, and of administering Oaths, as the Lord Lieutenant may think proper to assign to the Persons so deputed; and if the Council, after such Inquiries shall have been made, shall be of opinion that the Work

Power of Lord Lieutenant to suspend the Execution of private Works, and to order local Inquiries.

will be injurious to the public Interests, it shall be lawful for the Lord Lieutenant, if he shall think fit to do so, to issue an Order prohibiting the further Prosecution of such Work: Provided always, that the Costs of all such local Inquiries or Surveys shall be paid for out of any Monies placed at the Disposal of the Lord Lieutenant 5 by Parliament for that Purpose, and shall be charged among the Expenses incurred for the Civil Government of Ireland.

Lord Lieutenant may remove Suspension within Three Years.

CLXXXVII. The Lord Lieutenant may, at any Time within *Three* Years after its Issue, withdraw such Order of Prohibition, on the Application of the local Council or Committee which shall have 10 sanctioned the Work, and in such Case the Work may be proceeded with as if no such Order of Prohibition had been issued.

In certain Cases private Application may be made previously to the Administrative Council.

CLXXXVIII. When any private Undertaking shall affect Two or more Counties, the Undertakers thereof may, with the Assent of the Lord Lieutenant, apply to the Administrative Council for its Sanction, 15 and in such Case no previous Sanction of any other Council shall be required; and the Administrative Council shall have the same Authority to decide on and to empower the Undertakers to execute the Undertaking as any County or District Council has, under the Provisions of this Act, in respect of a private Undertaking within a County 20 or District; and the Form of Proceeding in respect of such Application to the Council shall be as follows.

Where the Application is to be lodged.

CLXXXIX. The Application, and all Plans, Sections, and other Documents connected therewith, together with an Estimate of the Cost thereof, and a List of the Undertakers and of the Sums in respect of 25 which it is proposed that they should be respectively liable, shall be lodged in the Office of the Commissioners of Public Works in Dublin; and Copies of such Application and Plans so lodged, shall be deposited in the Council Office of every County directly affected by the Application. Days at least before the Meeting of the Council at 30 which the same shall be taken into consideration.

Notice of Application is to be published.

CXC. Notice of such Application having been made shall be published in the Dublin Gazette within *Seven* Days after the Deposit of the Plans in the Office of the Commissioners of Public Works, and such Notice shall specify the several Counties in the Council Offices 35 of which Copies of the Plans have been or are intended to be deposited, and a similar Notice shall be inserted in One Newspaper at least published, or generally circulating in every County directly affected by the proposed Work; and the Council of every such County shall have Power to report their Opinion of the Undertaking 40 to the Administrative Council.

CXCI. The

CXCI. The Lord Lieutenant may direct the Chief Commissioner of Works to have such preliminary Investigations and Inquiries made as shall enable him to report to the Administrative Council thereon.

Lord Lieutenant may order local Inquiries.

CXCII. The Administrative Council may approve of the Application or reject it, as shall seem expedient; and if the Administrative Council shall approve of the Application, it shall determine the Manner in which Security shall be given by the Applicants for the due Performance of the Work, and for the Payment of all Damages, Compensation, and Costs which may be attendant thereon, as well as the Amount of such Security, and shall also determine what Sum shall be lodged by the Undertakers for the Payment of such Expenses as may probably be incurred by the Council in respect thereof.

Administrative Council may approve of the Application, and determine on the Amount of Security which shall be given.

CXCIII. All Undertakers shall, within Days after such Approbation of the Administrative Council, cause Copies of the Application, Plans, and other Documents lodged in the Office of the Commissioners of Public Works to be deposited in the Office of every Council of a District in or through which or any Portion whereof the Work is intended to be executed or carried; and the Undertakers shall also, within Days after such Approbation as aforesaid by the Administrative Council, cause a Notice to be served on every principal Occupier of Lands or Buildings the entire or any Portion of which may be required by them, and also on the several Parties whose Rights in connexion with such Lands and Buildings may be affected by the Work; and such Notice shall specify the Quantity of Land and the Portion of any Buildings which may be required, and shall be accompanied by a Map showing the Position of the Lands or Buildings which the Undertakers may propose to take, and shall state the Place within the District where the Application and the several Plans and Documents connected therewith may be inspected.

Copies of Application and Pleas to be deposited in Offices of Councils affected by the Work. Notice to be given to the Occupiers and others affected.

CXCIV. The Lord Lieutenant may, at the Cost of the Applicants, cause such Surveys to be made as shall seem to him to be requisite, either to test the Accuracy of the Plans deposited, or, in case of any competing Plans, to enable the Council to decide between them; and he may also, at the Charge of the Applicants, appoint a Barrister of not less than *Seven* Years standing, who shall act as Assessor to the Council in respect of the Application, who shall require Proof to be given to him that all the preliminary Steps required under the Provisions of this Act have been complied with, and also as to the Solvency of the Undertakers, and of the due Execution by the proper Parties to any Deed of Settlement or Partnership, if such there be, in connexion

Lord Lieutenant may order Surveys and local Inquiries, and may appoint an Assessor in respect of the Application.

with the proposed Work ; and such Assessor shall receive and classify and report on any Memorials for or against the Work to the Administrative Council ; which Memorials, together with any Reports from District Councils which under the Provisions of this Act may be made in respect of such Work, shall be deposited in the Office of the 5 Administrative Council ; and if any Engineering Question shall arise on such Memorials, such Assessor may, if he shall think fit, transmit such Memorial to the Chief Commissioner of Works, to report thereon.

District Councils may report on the proposed Work.

CXCV. Any District Council affected by the proposed Work 10 may, within Days from the Time of the Application being deposited in the Office of the Administrative Council as aforesaid, report their Opinion thereon to the last-mentioned Council ; and every Person affected by the Application may within a like Period forward to the Administrative Council a Memorial, either for or against the 15 Work, and may pray to be heard by Counsel or otherwise before the Administrative Council.

Administrative Council to decide on the Work.

CXCVI. The Lord Lieutenant shall at some Period, not less than Days nor more than Days from the Time at which the Application shall have been approved of by the Administrative 20 Council, again convene the Council ; and at such Second Meeting, after hearing Evidence for or against such Undertaking, on Oath or otherwise, as it shall think fit, the Administrative Council shall finally determine whether the Application shall be granted or rejected.

Council may require Alterations of the Plan.

CXCVII. The Administrative Council shall have Power to require 25 such Alteration of the Plan or such Additions thereto as it shall consider right and for the public Advantage, and shall have then or at a subsequent Period Power to give its Sanction to any Byelaws or Regulations which the Undertakers may require for the Construction, Maintenance, or Regulation of the Works, or the Government of their 30 Officers and Servants, and shall also have Power to regulate any Tolls and Charges which may be made for the Use of or in respect of such Work, and from Time to Time to alter the same.

Administrative Council cannot guarantee Interest or Work without Consent of Council affected thereby.

CXCVIII. The Administrative Council shall not have Power to sanction any Guarantee of Interest or the Execution of any Portion 35 of the Work by any County or District without the Consent of the Council of such County or District, as the Case may be.

The Lord Lieutenant to authorize the Commencement

CXCIX. When the Administrative Council shall have finally granted any such Application, the Lord Lieutenant may by Warrant under his Hand authorize the Undertakers to make use of any of the 40 Provisions

Provisions of the herein-before recited Acts of One thousand eight hundred and forty-five and One thousand eight hundred and forty-seven which may be required for the Execution of such Work; and such Warrants shall specify which and what Parts of any of such Acts the Lord Lieutenant shall authorize to be used in respect thereof.

of the Work
and the Ap-
plication of
certain Acts.

CC. The Lord Lieutenant shall direct the several Presidents of Counties to report to him annually on the State of the Counties within their Charge, and such Reports shall be laid before Parliament, with such Observations thereon as the Lord Lieutenant may think proper to annex thereto; and such Reports shall have Reference to such Subjects and shall be made in such Form as the Lord Lieutenant shall direct; and for the Purpose of completing their Reports the Presidents shall have Power to call on the Chairman and the several Officers of each District within the County for such Information as they may require.

The Presi-
dents of
Counties to
report to the
Lord Lieu-
tenant on the
State of their
Counties.

CCI. The Administrative Council may, with the Assent of the Lord Lieutenant, make such Orders and Regulations in respect of the obtaining correct agricultural or other Statistics as they shall think right, and such Orders and Regulations shall be observed and followed by the several Councils and Committees of Management; and for the Purpose of obtaining such Statistics, such Officers or Persons, with adequate Salaries, shall be appointed by each Council or Committee of Management as the Lord Lieutenant shall approve of.

Agricultural
and other
Statistics.

CCII. The Administrative Council shall have under their Charge the several Lunatic Asylums throughout Ireland, as well as the several Prisons which are maintained, either wholly or in part, by local Rates, and may, with the Assent of the Lord Lieutenant, make Rules and Regulations for the Administration of such Lunatic Asylums and Prisons respectively.

Administra-
tive Council
to have
Charge of all
Lunatic
Asylums and
Prisons.

CCIII. The Administrative Council shall have Power to hear Complaints against the Acts of any Commissioner or Commissioners appointed under the Authority of any Act of Parliament for the Execution of Works the Cost of which is wholly or in part to be repaid by Rates levied locally, and they may order such local Inquiries or Surveys to be made in reference thereto as they are herein-before authorized to order in respect of other Works and Undertakings, and they may make such Decision thereon as the Justice of the Case may seem to require; and such Decision shall be binding on such Commissioners, provided that within *Twenty* Days after such Decision

Administra-
tive Council
to have
Power to
hear Com-
plaints
against the
Acts of any
Commis-
sioners ap-
pointed by
the Govern-
ment for the
Execution of
any Work
the Cost of

which is to be repaid by local Levies. the Commissioners of Her Majesty's Treasury shall not have appealed against the Decision of the Administrative Council to One of the Superior Courts of Law in Dublin, whose Decision thereon shall be final.

Interpretation Clause.

Repealing Clause.

SCHE-

SCHEDULES.

Grand Juries (Ireland).

A

B I L L

To relieve Grand Juries from fiscal Duties, and
to place the Administration of local Affairs
in Ireland in elected Councils.

*(Prepared and brought in by
Sir Denham Norreys, Mr. Fagan, and
Mr. Pollard Uquhart.)*

*Ordered, by The House of Commons, to be Printed,
25 April 1856.*

[Bill 110.]

Under 10 oz.



(Ireland.)

A

B I L L

TO

Amend the Acts relating to Grand Jury Assessments in Ireland.

WHEREAS an Act was passed in the Session holden in the Preamble.
Fifteenth and Sixteenth Years of Her Majesty's Reign, 15 & 16 Vict.
Chapter Sixty-three, to amend the Laws relating to the c. 63.
Valuation of rateable Property in Ireland: And whereas the said Act
5 was amended by an Act passed in the Sixteenth and Seventeenth 16 & 17 Vict.
Years of Her Majesty's Reign, Chapter Seven, and by an Act passed c. 7.
in the Seventeenth Year of Her Majesty's Reign, Chapter Eight: 17 Vict. c. 8.
And whereas it is expedient to make further Provision for the Applot-
ment of Grand Jury Assessments: Be it therefore enacted by the
10 Queen's most Excellent Majesty, by and with the Advice and Consent
of the Lords Spiritual and Temporal, and Commons, in this present
Parliament assembled, and by the Authority of the same, as follows:

I. When the General Valuation of rateable Property has been or
shall be completed in any County in Ireland, all Grand Jury Assess-
15 ments to be made in such County shall be applotted and paid upon
and in respect of the Property liable thereto by a Poundage Rate
according to the net annual Value of the several Tenements and Here-
ditaments as set forth in the final List of such Valuation so completed,
[Bill 106.] A and
On Comple-
tion of
General
Valuation
all Grand
Jury Assess-
ments to be
assessed
according

to the final
List of such
Valuation.

and when and so often as such Valuation shall be revised under the Laws in force for the Purpose of such Revision, all such Assessments as aforesaid shall thenceforward be applotted and paid upon and in respect of such revised Valuation.

II. All Tolls of Roads, Bridges, Railways, Canals, Gas and Water Works, and all other Hereditaments, Tenements, Premises, and Half Rents, which are liable to Rates for the Relief of the destitute Poor in Ireland, shall be liable to the Payment of Grand Jury Rates and County Cess, according to the *annual Value* thereof or the Amount of *Half Rent* payable in respect thereof, as the Case may be, as contained in the final Lists of Valuation.

Applotment
to be made
by County
Treasurer.

III. Such Applotment shall be made by the Treasurer of each County, anything in the Act of the Sixth and Seventh William the Fourth, Chapter One hundred and sixteen, or the Act of the Seventh and Eighth Victoria, Chapter One hundred and six, or any Act amending the said Acts or either of them, to the contrary notwithstanding, and shall be entered in a Book signed by such Treasurer, and by him kept open in his Office at all reasonable Times for public Inspection; and in making such Applotment by such Poundage Rate it shall not be necessary to take into account any smaller Fraction than the *One Fourth of a Penny* in the Pound; and no Rate or Assessment so made or applotted shall be vitiated or affected by reason of any Excess, Deficiency, or Difference between any Sum or Sums authorized to be applotted or raised and the Sum or Sums actually applotted, provided that the same shall have arisen from such fractional Part of a Pound in making such Applotment.

Treasurer
to deliver
Copy of
Applotment
to Cess
Collector.

IV. The Treasurer of each County in which the Grand Jury Assessments shall have been applotted under this Act shall make out and deliver to each Collector a fair Copy of so much of such Applotment as shall relate to the Barony, Division, or other District within which such Collector shall be authorized to collect Grand Jury or County Cess, and shall annex thereto under the Hand and Seal of such Treasurer a Warrant authorizing such Collector to collect and levy the respective Sums in such Copy mentioned, and upon Receipt thereof such Collector shall and may proceed to collect, levy, and enforce Payment thereof; and in all Actions and Proceedings for Recovery of or in relation to any Assessment made or applotted under the Provisions of this Act the original Applotment Book, or the Copy of so much thereof as shall be delivered by any Treasurer to any Collector of Grand Jury or County Cess, shall be received and taken, without further Proof or Oath, as *prima facie* Evidence of the due making of the Assessment and Applotment therein.

therein mentioned, and of the several other Matters and Statements therein respectively contained and set forth; and in the Absence of such Applotment or collecting Book a Copy of such Applotment Book, or of so much thereof as shall relate to the Assessment in question, certified by the Treasurer, shall be in like Manner received and taken as *prima facie* Evidence of the several Matters aforesaid; and each Treasurer with whom such Applotment Book shall be deposited shall furnish certified Copies thereof or Extracts therefrom to any Person requiring the same, upon being paid *One Shilling* for the first Seventy-two Words, and *Three Halfpence* for every succeeding Seventy-two Words contained in such Copy or Extract.

V. When the Treasurer or other Officer of any County, with the Sanction of the Grand Jury, shall have incurred or shall incur any necessary and proper Expenses in making such Applotments, it shall be lawful for the Grand Jury, without previous Application to Presentment Sessions, to present, to be raised off and paid by such County, all such necessary and proper Expenses as aforesaid, including the Expense of providing and preparing such Books and Copies as aforesaid, as such Grand Jury may deem reasonable.

Grand Jury
to present
Expenses of
Applotment.

VI. Where Sums have been or shall hereafter be presented by any Grand Jury in Ireland, and applotted on any Houses, Tenements, or Hereditaments, and where, owing to the Alteration of Boundaries, Change of Occupiers, or other Causes, it has been or may be found impossible to collect the Sums applotted on any such Houses, Tenements, or Hereditaments respectively, or the Occupiers thereof, it shall be lawful for the Grand Jury, without any previous Application to Presentment Sessions, to re-present all such Sums so remaining unpaid to be paid by the several and respective Baronies or Half Baronies within which the Houses, Tenements, or Hereditaments on which or in respect whereof the Sums remaining unpaid have been or shall hereafter be so applotted as aforesaid shall be situate: Provided always, that in all Cases where the Houses, Tenements, or Hereditaments so charged as aforesaid can be traced out or identified, such Sums so remaining due on such Houses, Tenements, or Hereditaments shall be re-presented thereon: Provided also, that no such Re-presentment shall in any Case be made by the said Grand Jury without previous Examination on Oath (which Oath may be administered by the Foreman of the said Grand Jury, or any Member thereof, in the Presence of the said Grand Jury,) as to the Inability of the Collector to levy same, owing to the Insolvency of the Parties chargeable therewith, or to the Difficulty of tracing out or identifying such Houses, Tenements, or Hereditaments, or other sufficient Cause, notwithstanding.

Grand Jury
may re-present
Sums
uncollected
by reason of
Change of
Boundaries,
&c.

withstanding all reasonable Exertions having been made by the Collector of such Arrears to enforce Payment thereof.

Assessments on Charitable Institutions to be charged on immediate Lessor at One Half of the Rent payable for same.

VII. Where a Rent shall be payable in respect of any Tenement or Hereditament, or Portion thereof, occupied and distinguished as specified in the Second Section of the Act of the Seventeenth Victoria, 5 Chapter Eight, whilst such Premises shall be so occupied and distinguished, Half such Rent shall be liable to the Payment of Grand Jury Assessments, and such Assessments shall be apportioned on such Half Rent in manner herein-before mentioned, and shall be a Charge on the Premises, and be paid by the immediate Lessor thereof, and in 10 default of Payment by such Lessor at the Expiration of Twenty-one Days shall and may be paid by the principal Officer or other Person by whom or through whose Hands such Rent shall or may be payable or paid, and by him deducted from such Rent; and where any Person receiving Rent in respect of any such Premises shall also pay a Rent 15 in respect thereof, he shall be entitled to deduct from the Rent so payable by him such Proportion of such Assessment so paid by him as he would be entitled to deduct had the same been assessed and paid as and for Poor Rate under and by virtue of the Laws relating to the Relief of the destitute Poor in Ireland, and such Assessments 20 shall be recoverable in like Manner and subject to the like Provisions as Poor Rate in Ireland.

Grand Jury Cess to be recovered in same Manner as Poor Rate.

VIII. In addition and without Prejudice to the Remedies by Law provided for Recovery of Grand Jury Cess, the Provisions of the Acts relating to the Recovery of Rates made for the Relief of the 25 destitute Poor in Ireland shall apply, extend to, and include such Grand Jury Cess, and the Collectors of Grand Jury Cess shall have the same Powers for Recovery thereof, as are by the said Acts given to the Collectors of Poor's Rates; and all Proceedings which the Guardians are by the said Acts authorized to take for the Recovery 30 of Poor's Rates may be taken and prosecuted in the Recovery of Grand Jury Cess by and in the Name of the Treasurer of the County, and in the County of Dublin by and in the Name of the Secretary of the Grand Jury.

Grand Jury may allow Poundage Rate for Collection, not exceeding One Shilling in the Pound.

IX. It shall and may be lawful for the Grand Jury of any 35 County from Time to Time to present to be paid to each or any of the Collectors of Grand Jury Cess in such County such Rates of Poundage for the Collection of Grand Jury Cess as they shall think fit, not exceeding *One Shilling* in the Pound on the Amount collected, anything in any Act or Acts limiting such Poundage 40 to a less Sum than *One Shilling* in the Pound to the contrary notwithstanding.

X. It

X. It shall and may be lawful for the Grand Jury, if they shall so think fit, to accept of Two or more than Two sufficient Sureties, joining any Collector in a Bond as Securities for such Collector in the Manner and under the Terms now by Law provided, anything in the
 5 Acts relating to the giving of such Security limiting the Number of such Sureties to the contrary notwithstanding.

Grand Jury may accept more than Two Securities for Cess Collector.

XI. Whereas under the Thirty-second Section of the "Rathmines Improvement Act, 1847," the Finance Committee of the County of Dublin, in apportioning the Sum payable by the Rathmines District,
 10 are required to adopt the Valuation furnished by the Rathmines Improvement Commissioners to said Finance Committee under the said before-mentioned Section: And whereas the General Valuation of rateable Property on the said District is now completed under the several Acts relating thereto, and it is desirable to repeal said Clause:
 15 Be it enacted, That from and after the *passing of this Act* said Thirty-second Section of the Rathmines Improvement Act be and the same is hereby repealed; and it shall and may be lawful for the Finance Committee of the County of Dublin to apportion on said Rathmines District all future Sums assessable therefrom under the
 20 Grand Jury Presentments upon the General Valuation of rateable Property so completed as aforesaid.

Grand Jury Cess to be henceforward levied in Rathmines District on General Valuation.

XII. No Rate or Assessment made or hereafter to be made shall be in any Matter affected by reason of any Omission of the Clerk of any Board of Guardians or other Person appointed in his Place, to
 25 give or post the Notices of the making of such Valuation or Revision required to be posted or given by said several recited Statutes or any of them, or by reason of any Error, Omission, Misdescription, or Variance in the making of such Valuation or Revision, and it shall not be necessary in any Suit or other Proceeding for Recovery of or
 30 in relation to any such Rate or Assessment or any Part thereof, or in relation to such Valuation or Revision thereof, to give Evidence of the Performance of any of the Preliminaries required in the making of such Valuation or Revision.

Rates not to be affected by Errors, &c. in Valuation.

XIII. Where any County in Ireland has been or shall be divided
 35 into Ridings under the Act of the Sixth and Seventh William the Fourth, Chapter One hundred and sixteen, or any subsequent Act, each such Riding shall, for the Purposes of this Act, be deemed a separate County.

Ridings to be deemed separate Counties.

XIV. Whenever the Office of Surveyor for any Road District in
 40 the County of Dublin shall become vacant between any Two Presenting Terms, it shall be lawful for the Finance Committee, if it
 [106.] A 3 shall

Vacancies of Surveyor in County of Dublin may be supplied.

6. *Grand Jury Assessments (Ireland).*

shall appear to them necessary so to do, to appoint from amongst the Persons duly qualified in that Behalf a Surveyor for such District, and the Surveyor so appointed shall hold and exercise the said Office in all respects as if he had been appointed thereto under the Act of the Seventh and Eighth Victoria, Chapter One hundred and six, and the Acts amending the same, until a new Appointment shall have been made under said Acts.

Interpreta-
tion Clause.

XV. In the Construction and for the Purposes of this Act, if not inconsistent with the Context or Subject Matter, the following Expressions shall have the Meanings herein-after assigned to them: 10
The Word "Assizes" shall include Presenting Term; "applot" and "Applotment" shall include "assess" and "Assessment;" and the Word "Treasurer" shall include the Finance Committee and the Secretary of the Grand Jury for the County of Dublin; and the Word "County" shall extend to and include all Counties, Counties of Cities, 15
Counties of Towns, and Towns Corporate in Ireland (except the County of the City of Dublin); and all the Acts and Duties by this Act required to be performed by Grand Juries and Treasurers of Counties shall and may, in the County of Dublin, be performed at the Presenting Terms by the Grand Jury of said County and by their 20
Secretary; and the Expression "Grand Jury Assessments" shall mean all County, Baronial, Parochial, Town Land, and other Rates and Assessments to be made or collected in any County by the Grand Jury thereof, or by the Rathmines Improvement Commissioners, or any Officers of such Grand Jury. 25

Repeal of the
18 & 19
Vict. c. 74.

XVI. The Act of the Eighteenth and Nineteenth Victoria, Chapter Seventy-four, is hereby repealed, save as to any Right acquired or Thing done under the said Act.

Limitation
of Act.

XVII. This Act shall not extend to the County of the City of Dublin. 30

Grand Jury Assessments (Ireland).

A

B I L L

To amend the Acts relating to Grand
Jury Assessments in Ireland.

(Prepared and brought in by
*Mr. Horsman, Sir Geo. Grey, and Mr. Attorney
General for Ireland.*)

*Ordered, by The House of Commons, to be Printed,
21 April 1856.*

[Bill 106.]

Under 1 oz.

23 May 1856. 19 VICT.



(Ireland.)

A

B I L L

[AS AMENDED IN COMMITTEE]

TO

Amend the Acts relating to Grand Jury
Assessments in Ireland.

[Note.—*The Clauses marked A., B., and C., were added in
Committee.*]

WHEREAS an Act was passed in the Session holden in the Preamble,
Fifteenth and Sixteenth Years of Her Majesty's Reign, 15 & 16 Vict.
Chapter Sixty-three, to amend the Laws relating to the c. 63.
Valuation of rateable Property in Ireland: And whereas the said Act
5 was amended by an Act passed in the Sixteenth and Seventeenth 16 & 17 Vict.
Years of Her Majesty's Reign, Chapter Seven, and by an Act passed c. 7.
in the Seventeenth Year of Her Majesty's Reign, Chapter Eight: 17 Vict. c. 8.
And whereas it is expedient to make further Provision for the Applot-
ment of Grand Jury Assessments: Be it therefore enacted by the
10 Queen's most Excellent Majesty, by and with the Advice and Consent
of the Lords Spiritual and Temporal, and Commons, in this present
Parliament assembled, and by the Authority of the same, as follows:

I. When the General Valuation of rateable Property has been or
shall be completed in any County in Ireland, all Grand Jury Assess-
15 ments to be made in such County shall be apportioned and paid upon
and in respect of the Property liable thereto by a Poundage Rate
according to the net annual Value of the several Tenements and Here-
ditaments as set forth in the final List of such Valuation so completed,
[Bill 147.] A and
On Comple-
tion of
General
Valuation
all Grand
Jury Assess-
ments to be
assessed
according

to the final
List of such
Valuation.

and when and so often as such Valuation shall be revised under the Laws in force for the Purpose of such Revision, all such Assessments as aforesaid shall thenceforward be applotted and paid upon and in respect of such revised Valuation.

II. All Tolls of Roads, Bridges, Railways, Canals, Gas and Water 5 Works, and all other Hereditaments, Tenements, Premises, and Half Rents, which are liable to Rates for the Relief of the destitute Poor in Ireland, shall be liable to the Payment of Grand Jury Rates and County Cess, according to the annual Value thereof or the Amount of Half Rent payable in respect thereof, as the Case may be, as 10 contained in the final Lists of Valuation.

Applotment]
to be made
by County
Treasurer.

III. Such Applotment shall be made by the Treasurer of each County, anything in the Act of the Sixth and Seventh William the Fourth, Chapter One hundred and sixteen, or the Act of the Seventh and Eighth Victoria, Chapter One hundred and six, or any 15 Act amending the said Acts or either of them, to the contrary notwithstanding, and shall be entered in a Book signed by such Treasurer, and by him kept open in his Office at all reasonable Times for public Inspection; and in making such Applotment by such Poundage Rate it shall not be necessary to take into account any smaller 20 Fraction than the One Fourth of a Penny in the Pound; and wherever it should occur that the Poundage Rate has to be applotted on a less Amount of Value than One Pound, it shall not be necessary to take into account any smaller Amount of Value than One Eighth of a Pound; and no Rate or Assessment so made or applotted shall 25 be vitiated or affected by reason of any Excess, Deficiency, or Difference between any Sum or Sums authorized to be applotted or raised and the Sum or Sums actually applotted, provided that the same shall have arisen from such Fraction of One Fourth of a Penny, or from no smaller Value than One Eighth of a Pound being rated. 30

Treasurer
to deliver
Copy of
Applotment
to Cess
Collector.

IV. The Treasurer of each County in which the Grand Jury Assessments shall have been applotted under this Act shall make out and deliver to each Collector a fair Copy of so much of such Applotment as shall relate to the Barony, Division, or other District within which such Collector shall be authorized to collect Grand Jury or 35 County Cess, and shall annex thereto under the Hand and Seal of such Treasurer a Warrant authorizing such Collector to collect and levy the respective Sums in such Copy mentioned, and upon Receipt thereof such Collector shall and may proceed to collect, levy, and enforce Payment thereof, and shall lodge the Amount collected 40 from Time to Time in the County Bank to the Credit of the Treasurer of the County, and shall not at any Time retain in his Hands

Hands more than One hundred Pounds, but shall lodge the same in the County Bank with all convenient Expedition; and in all Actions and Proceedings for Recovery of or in relation to any Assessment made or applotted under the Provisions of this Act the original Applotment Book, or the Copy of so much thereof as shall be delivered
 5 by any Treasurer to any Collector of Grand Jury or County Cess, shall be received and taken, without further Proof or Oath, as *primâ facie* Evidence of the due making of the Assessment and Applotment therein mentioned, and of the several other Matters and Statements
 10 therein respectively contained and set forth; and in the Absence of such Applotment or collecting Book a Copy of such Applotment Book, or of so much thereof as shall relate to the Assessment in question, certified by the Treasurer, shall be in like Manner received and taken as *primâ facie* Evidence of the several Matters aforesaid;
 15 and each Treasurer with whom such Applotment Book shall be deposited shall furnish certified Copies thereof or Extracts therefrom to any Person requiring the same, upon being paid One Shilling for the first Seventy-two Words, and Three Halfpence for every succeeding Seventy-two Words contained in such Copy or Extract.

20 V. When the Treasurer or other Officer of any County, with the Sanction of the Grand Jury, shall have incurred or shall incur any necessary and proper Expenses in making such Applotments, for Payment of which no Provision is made by Law, it shall be lawful for the Grand Jury, without previous Application to Presentment Sessions, to present, to be raised off and paid by such County, all such
 25 necessary and proper Expenses as aforesaid, including the Expense of providing and preparing such Books and Copies as aforesaid, as such Grand Jury may deem reasonable.

Grand Jury
to present
Expenses of
Applotment.

VI. Where Sums have been or shall hereafter be presented by any
 30 Grand Jury in Ireland, and applotted on any Houses, Tenements, or Hereditaments, and where, owing to the Alteration of Boundaries or other Causes, it has been or may be found impossible to collect the Sums applotted on any such Houses, Tenements, or Hereditaments respectively, or the Occupiers thereof, it shall be lawful for
 35 the Grand Jury, without any previous Application to Presentment Sessions, to re-present all such Sums so remaining unpaid to be paid by the several and respective Townlands, Baronies, or Half Baronies within which the Houses, Tenements, or Hereditaments on which or in respect whereof the Sums remaining unpaid have been or
 40 shall hereafter be so applotted as aforesaid shall be situate: Provided always, that in all Cases where the Houses, Tenements, or Hereditaments so charged as aforesaid can be traced out or identified, such Sums so remaining due on such Houses, Tenements, or Heredita-

Grand Jury
may re-pre-
sent Sums
uncollected
by reason of
Change of
Boundaries,
&c.

ments shall be re-presented thereon : Provided also, that no such Re-
 presentment shall in any Case be made by the said Grand Jury with-
 out previous Examination on Oath (which Oath may be administered
 by the Foreman of the said Grand Jury, or any Member thereof, in
 the Presence of the said Grand Jury,) as to the Inability of the Col- 5
 lector to levy same, owing to the Insolvency of the Parties chargeable
 therewith, or to the Difficulty of tracing out or identifying such
 Houses, Tenements, or Hereditaments, or other sufficient Cause, not-
 withstanding all reasonable Exertions having been made by the
 Collector of such Arrears to enforce Payment thereof. 10

CLAUSE A.
 No Proceed-
 ings for
 Arrears
 against Per-
 sons not
 primarily
 liable
 to be com-
 menced after
 Two Years.

VII. With reference to any Sums of Grand Jury Cess to be pre-
 sented after the passing of this Act, it shall not be lawful to
 commence any Proceeding for the Recovery of any Sum in arrear
 or unpaid against any Person not primarily liable to pay the same
 under or by virtue of the Presentment and Applotment thereof after 15
 the Expiration of Two Years from the Date of such Presentment,
 anything in this or any former Act to the contrary notwithstanding.

CLAUSE B.
 Grand Jury
 may divide
 Barony for
 the Purpose
 of Collection.

VIII. In any Case in which from the Extent or other Circum-
 stances of a Barony it may appear expedient to divide the same for
 the Purpose of Collection, it shall and may be lawful for the Grand 20
 Jury to make a Presentment for the Purpose of effecting such
 Division, setting forth in such Presentment the Parishes or Townlands
 constituting such Divisions or Portions of the Barony, and when
 such Presentment shall be fiated by the Court the Parishes or Town-
 lands set forth therein shall, for all Purposes belonging to the Duties 25
 or Functions of the Collector, be taken to be separate Portions of the
 Barony ; and it shall be lawful for the Grand Jury, if they shall think
 fit, to appoint One Collector for every such Portion of a Barony, and
 the Collector so appointed for a Portion of a Barony shall be subject
 to all the Provisions and have all the Powers in force by Law with 30
 regard to the Collector of any Barony.

CLAUSE C.
 Act 13 &
 14 Vict.c.82.
 extended to
 County of
 Dublin.

IX. Whereas Difficulties have of late attended the levying and
 Collection of Grand Jury Cess in the County of Dublin: Be it
 enacted, That the Provisions of an Act passed in the Thirteenth and
 Fourteenth Year of Her present Majesty's Reign, intituled "An Act 35
 " to extend the Remedies for the Collection of Grand Jury Cess in
 " Ireland," be extended to the said County of Dublin.

Grand Jury
 Cess to be
 recovered in
 same Manner
 as Poor Rate.

X. In addition and without Prejudice to the Remedies by Law
 provided for Recovery of Grand Jury Cess, the Provisions of the
 Acts relating to the Recovery of Rates made for the Relief of the 40
 destitute Poor in Ireland shall apply, extend to, and include such
 Grand

Grand Jury Cess, and the Collectors of Grand Jury Cess shall have the same Powers for Recovery thereof, as are by the said Acts given to the Collectors of Poor's Rates; and all Proceedings which the Guardians are by the said Acts authorized to take for the Recovery
 5 of Poor's Rates may be taken and prosecuted in the Recovery of Grand Jury Cess by and in the Name of the Treasurer of the County, and in the County of Dublin by and in the Name of the Secretary of the Grand Jury, and in the District of Rathmines, in the County of Dublin, in the Name of the Secretary of the Rathmines
 10 Improvement Commissioners, in respect of the Rates collectable by them.

XI. It shall and may be lawful for the Grand Jury of any County from Time to Time to present to be paid to each or any of the Collectors of Grand Jury Cess in such County such Rates of
 15 Poundage for the Collection of Grand Jury Cess as they shall think fit, not exceeding One Shilling in the Pound on the Amount of the Collection, anything in any Act or Acts limiting such Poundage to a less Sum than One Shilling in the Pound to the contrary notwithstanding.

Grand Jury may allow Poundage Rate for Collection, not exceeding One Shilling in the Pound.

XII. It shall and may be lawful for the Grand Jury, if they shall so think fit, to accept of Two or more than Two sufficient Sureties, joining any Collector in a Bond as Securities for such Collector in the Manner and under the Terms now by Law provided, anything in the Acts relating to the giving of such Security limiting the Number of
 25 such Sureties to the contrary notwithstanding.

Grand Jury may accept more than Two Securities for Cess Collector.

XIII. Whereas under the Thirty-second Section of the "Rathmines Improvement Act, 1847," the Finance Committee of the County of Dublin, in apportioning the Sum payable by the Rathmines District, are required to adopt the Valuation furnished by the Rathmines
 30 Improvement Commissioners to said Finance Committee under the said before-mentioned Section: And whereas the General Valuation of rateable Property on the said District is now completed under the several Acts relating thereto, and it is desirable to repeal said Clause: Be it enacted, That from and after the passing of this Act said
 35 Thirty-second Section of the Rathmines Improvement Act be and the same is hereby repealed; and it shall and may be lawful for the Finance Committee of the County of Dublin to apportion on said Rathmines District all future Sums assessable therefrom under the Grand Jury Presentments upon the General Valuation of rateable
 40 Property so completed as aforesaid.

Grand Jury Cess to be henceforward levied in Rathmines District on General Valuation.

Rates not to
be affected
by Errors,
&c. in
Valuation.

XIV. No Rate or Assessment made or hereafter to be made shall be in any Matter affected by reason of any Omission of the Clerk of any Board of Guardians or other Person appointed in his Place, to give or post the Notices of the making of such Valuation or Revision required to be posted or given by said several recited Statutes or 5 any of them, or by reason of any Error, Omission, Misdescription, or Variance in the making of such Valuation or Revision, and it shall not be necessary in any Suit or other Proceeding for Recovery of or in relation to any such Rate or Assessment or any Part thereof, or in relation to such Valuation or Revision thereof, to give Evidence 10 of the Performance of any of the Preliminaries required in the making of such Valuation or Revision.

Ridings to
be deemed
separate
Counties.

XV. Where any County in Ireland has been or shall be divided into Ridings under the Act of the Sixth and Seventh William the Fourth, Chapter One hundred and sixteen, or any subsequent Act, 15 each such Riding shall, for the Purposes of this Act, be deemed a separate County.

Vacancies
of Surveyor
in County of
Dublin may
be supplied.

XVI. Whenever the Office of Surveyor for any Road District in the County of Dublin shall become vacant between any Two Presenting Terms, it shall be lawful for the Finance Committee, if it 20 shall appear to them necessary so to do, to appoint from amongst the Persons duly qualified in that Behalf a Surveyor for such District, and the Surveyor so appointed shall hold and exercise the said Office in all respects as if he had been appointed thereto under the Act of the Seventh and Eighth Victoria, Chapter One hundred and six, and 25 the Acts amending the same, until a new Appointment shall have been made under said Acts.

Interpreta-
tion Clause.

XVII. In the Construction and for the Purposes of this Act, if not inconsistent with the Context or Subject Matter, the following Expressions shall have the Meanings herein-after assigned to them: 30 The Word "Assizes" shall include Presenting Term; "applot" and "Applotment" shall include "assess" and "Assessment;" and the Word "Treasurer" shall include the Finance Committee and the Secretary of the Grand Jury for the County of Dublin; and the Word "County" shall extend to and include all Counties, Counties of 35 Cities and Counties of Towns in Ireland (except the County of the City of Dublin); and all the Acts and Duties by this Act required to be performed by Grand Juries and Treasurers of Counties shall and may, in the County of Dublin, be performed at the Presenting Terms by the Grand Jury of the said County and by their 40 Secretary; and the Expression "Grand Jury Assessments" shall mean all

all County, Baronial, Parochial, Town Land, and other Rates and Assessments to be made or collected in any County by the Grand Jury thereof, or by the Rathmines Improvement Commissioners, or any Officers of such Grand Jury.

- 5 XVIII. The Act of the Eighteenth and Nineteenth Victoria, Chapter Seventy-four, is hereby repealed, save as to any Right acquired or Thing done under the said Act. Repeal of the 18 & 19 Vict. c. 74.

XIX. This Act shall not extend to the County of the City of Dublin. Limitation of Act.

Grand Jury Assessments (Ireland).

A

BILL

[AS AMENDED IN COMMITTEE]

To amend the Acts relating to Grand
Jury Assessments in Ireland.

(Prepared and brought in by
*Mr. Horsman, Sir George Grey, and Mr. Attorney
General for Ireland.*)

*Ordered, by The House of Commons, to be Printed,
23 May 1856.*

[Bill 147.]

Under 1 oz

7 July 1856. 19 & 20 VICT.



(Ireland.)

A

B I L L

TO

Enable the Grand Jury of Mayo to re-present the
Arrears of Grand Jury Cess still due to
Contractors and others.

WHEREAS the Sum of Seventeen thousand three hundred Preamble,
and seventy-three Pounds Nineteen Shillings remains due
on account of certain Presentments made by former Grand
Juries of the County of Mayo, the Particulars of which are specified
5 in the Schedule to this Act annexed, and such Sum is still owing to
Contractors and others: And whereas, in consequence of the Death
or Absence from the Country of several of the Grand Jury Cess
Collectors, and other Causes, Difficulties exist in re-presenting the said
Arrears, and it is expedient to enable the Grand Jury of the said
10 County to re-present the same: Be it therefore enacted by the Queen's
most Excellent Majesty, by and with the Advice and Consent of the
Lords Spiritual and Temporal, and Commons, in this present Parlia-
ment assembled, and by the Authority of the same, as follows:

I. Notwithstanding anything in the One hundred and forty-fifth Grand Jury
15 Section of the Act passed in the Session of Parliament held in the of Mayo may
Sixth and Seventh Years of His late Majesty King William the present Sum
[Bill 229.] A Fourth,
to be levied

by Instal-
ments, with
Interest.

Fourth, Chapter One hundred and sixteen, contained, and without the Production of such Affidavits as are by the same Section required, and notwithstanding anything in the said Act or any other Act or Acts contained, it shall and may be lawful for the Grand Jury of the County of Mayo and they are hereby required, without previous 5 Application at Presentment Sessions, at the Assizes next after the *passing of this Act* to present the said Sum of *Seventeen thousand three hundred and seventy-three Pounds Nineteen Shillings*, or such Sum as they may find to be actually due, to be levied off the Baronies or other Denominations of the said County, in the Proportions and as 10 specified in the Schedule to this Act annexed, by *Twenty* equal half-yearly Instalments, or by such and so many half-yearly Instalments not exceeding *Twenty* as the said Grand Jury shall direct.

Grand Jury
may procure
the Aid of an
Accountant.

II. In order to enable the Grand Jury the better to ascertain the Sum actually due as aforesaid, it shall be lawful for them to procure 15 the Aid of an Accountant, and the Grand Jury may present for his Remuneration such Sum not exceeding *One hundred Pounds* as they shall think fit.

Directions
when and
how Instal-
ments are to
be levied.

III. The said Instalments shall be levied off the Baronies of the said County or other Denominations liable thereto, as specified in the 20 Schedule to this Act annexed, half-yearly after each successive Assizes, until the whole of such Instalments and Interest shall be levied and collected; and the First Instalment thereof shall be levied immediately after the Assizes which shall happen next after *the passing of this Act*, and the Treasurer for the Time being of the County of 25 Mayo shall and he is hereby required to applot and insert in his Warrant for levying the Sums presented at the said next Assizes the Amount of such First Instalment, and in like Manner, without further Presentment or Authority in that Behalf, after every succeeding Assizes, to applot and insert from Time to Time in his Warrant 30 or Warrants for levying the Sums presented at such Assizes the Amount of the said Instalments respectively, according as the same Instalments shall from Time to Time become leviable, until the whole Sum of *Seventeen thousand three hundred and seventy-three Pounds Nineteen Shillings*, or such Sum as the Grand Jury shall find to be 35 actually due as aforesaid, shall be raised and levied in manner aforesaid.

If Grand
Jury neglect
or refuse, the
Court to
have Power
to order the
Sum to be
raised.

IV. In case the Grand Jury of the said County of Mayo, at the Assizes next after the *passing of this Act*, shall neglect or refuse duly to present the said Sum of *Seventeen thousand three hundred and seventy-three Pounds Nineteen Shillings*, or such Sum as they shall 40 find to be actually due as aforesaid, in the Manner by this Act provided, the Court shall have Power and is hereby required, before the finding

finding of any of the other Presentments, to make an Order directing the said Sum to be raised and levied as if the same Sum had been so presented; and such Order shall specify the Instalments by which the said Sum shall be raised and levied, and shall have the Force and
5 Effect of a Presentment, and the said Sum shall accordingly be from Time to Time inserted by the Instalments aforesaid in the Warrants of the Treasurer of the said County, and applotted, and raised and levied, and applied, in like Manner, to all Intents and Purposes, as if the same had been duly presented by the said Grand Jury under the
10 Provisions of this Act.

V. If any Portion of the Arrears of Grand Jury Cess for which the Re-presentments are to be made, under the Provisions herein contained, shall be hereafter received from the former Collectors of Grand Jury Cess or their Sureties, the several Baronies or other Denomina-
15 tions in the said County entitled in that Behalf shall get Credit for the Amount so recovered as against such Portion of the Instalments remaining due by such Baronies or other Denominations at the Time the said Portions shall be so recovered.

If any Portion of such Arrears be hereafter received from former Collectors, County to get Credit for the Amount.

VI. When the Sums to be levied under this Act shall have been
20 collected and paid in to the Credit of the Treasurer of the County, he shall from Time to Time immediately divide the same rateably amongst the Persons entitled to the Monies in respect of which such Sums shall have been re-presented under this Act; but in the event of such Sums or any Part thereof having been already paid out of
25 Monies collected for other Purposes, or in the event of such Sums not being payable, in consequence of the Works for which they were charged on the Levy not having been executed, then it shall be lawful for the Treasurer to apply such Monies, in such Manner as the Grand Jury shall direct, for the Benefit of the Barony off which the same
30 were levied.

When Sums collected the same to be divided rateably amongst Persons entitled thereto.

VII. Nothing in this Act contained shall extend or be construed to extend to limit or affect in any Manner whatsoever the Provisions of an Act passed in the Seventeenth and Eighteenth Years of the Reign of Her present Majesty, intituled “ An Act to provide for the
35 “ Repayment of Monies advanced from the Exchequer to the County “ of Mayo for Public Purposes.”

This Act not to affect 17 & 18 Vict. c. 110.

SCHEDULE to which the foregoing Act refers.

ABSTRACT of Arrears due on Presentments passed by the Grand Jury of the County of Mayo, specifying the Arrears due by each Barony, and the Purposes for which the same were respectively presented.

Barony.	Arrear due by each Barony.	Purposes for which the Sums now claimed were presented.
	<i>£ s. d.</i>	
Bunishoole, North - - -	868 19 2	For the building and repairing of Bridges, Gulleys, and defending Walls; and for making and Repair of Roads.
Bunishoole, South - - -	1,756 12 1	
Carra - - -	1,857 17 3	
Clanmorris - - -	848 4 0	
Erris - - -	2,424 15 11	
Kilmain - - -	5,805 9 7	
Murrisk - - -	300 5 4	
Tyrawley - - -	1,409 11 6	
Costello - - -	874 19 11	
Gallen - - -	1,227 4 3	
	17,373 19 0	

Grand Jury Cess (Mayo).

A

B I L L

To enable the Grand Jury of Mayo to re-present the Arrears of Grand Jury Cess still due to Contractors and others.

(Prepared and brought in by
Mr. Attorney General for Ireland and
Mr. Horsman.)

*Ordered, by The House of Commons, to be Printed,
7 July 1856.*

[Bill 229.]

Under 1 oz.

16 June 1856. 19 VICT.



A

B I L L

INTITULED

An Act to prevent false Packing and other Frauds in the Hay and Straw Trade.

WHEREAS many Frauds and Abuses are committed in the Cities of London and Westminster, and other Places in the Vicinity thereof, in binding and false Packing Hay and Straw, and the Laws are insufficient for preventing the same: Preamble.
5 Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

I. No Person shall mix or put, or cause to be mixed or put, any
10 Water, Sand, Earth, or other Matter or Thing whatsoever in any Bundle or Truss of Hay or Straw intended for Sale, with Intent to increase the Weight thereof, nor sell, offer, or expose for Sale, or cause to be sold, offered, or exposed for Sale, any Hay or Straw into or with which any Water, Sand, Earth, or other Matter has been put
15 or mixed.

No foreign Matter to be put in any Truss of Hay or Straw to increase its Weight.

II. Every Salesman or other Person who shall sell, in any Market or Place within the Limits prescribed in an Act passed in the Thirty-sixth Year of the Reign of King George the Third, Chapter Eighty-eight, Salesmen to declare the Name of the Owner.
[Bill 182.] eight,

eight, any Hay or Straw for the Owner thereof shall at the Time of such Sale or at the Delivery thereof deliver or cause to be delivered therewith to the Buyer thereof a Ticket or Note containing the Number of Trusses so sold, and the Christian Name, Surname, and Address of such Owner. 5

Clerk of the
Market to
weigh and
examine,
and to
summon
Offenders.

III. Where any Hay or Straw is offered or exposed for Sale in any public Hay Market within the Cities and Limits aforesaid, if any Complaint be made to the Clerk or Toll Collector of any such Market, or if he has reasonable Cause to believe, that the same is deficient in Weight or Quantity, or has been mixed or packed contrary to the Provisions of this Act or of the Act of the Thirty-sixth Year of the Reign of King George the Third, Chapter Eighty-eight, it shall be lawful for him and he is hereby required to weigh and examine the same; and if upon such Weighing or Examination any such Hay or Straw shall be found deficient in Weight or Quantity, or mixed with any foreign Matter, contrary to the Provisions of this Act or of the said recited Act, every such Clerk or Collector is hereby authorized and empowered to summon the Offender or Offenders before any Justice of the Peace having Jurisdiction in the District where such Market is situated, and every such Justice shall upon Proof thereof convict the Offender or Offenders in the respective Penalties by this Act or the said recited Act imposed. 10 15 20

Penalties
in Cases not
specially
provided for.

IV. For every Offence against or Disobedience of the Provisions of this Act for which no special Penalty is provided the Offender shall, at the Discretion of the Justice before whom the Conviction shall take place, be liable to any Penalty not exceeding Ten Pounds as shall be adjudged by such Justice. 25

Construction
of the Act
with 36 G. 3.
c. 88.

V. This Act shall be construed and taken together with the Act passed in the Thirty-sixth Year of the Reign of King George the Third, Chapter Eighty-eight, as if the Provisions herein contained had been contained in the said recited Act: Provided always, that nothing herein contained shall be construed or taken to apply to any Action or Proceeding now pending or which may be commenced previous to this Act coming into operation. 30 35

A
B I L L

INTITULED

An Act to prevent false Packing and
other Frauds in the Hay and Straw
Trade.

(*Brought from the Lords 12 June 1856.*)

*Ordered, by The House of Commons, to be Printed,
16 June 1856.*

[Bill 182.]
Under 1 oz.

21 July 1856. 19 & 20 VICT.



A

B I L L

[AS AMENDED IN COMMITTEE]

INTITULED

An Act to prevent false Packing and other Frauds in the Hay and Straw Trade.

WHEREAS many Frauds and Abuses are committed in Preamble.
the Cities of London and Westminster, and other Places
in the Vicinity thereof, in binding and false Packing Hay
and Straw, and the Laws are insufficient for preventing the same:
5 Be it therefore enacted by the Queen's most Excellent Majesty,
by and with the Advice and Consent of the Lords Spiritual and
Temporal, and Commons, in this present Parliament assembled, and
by the Authority of the same, as follows:

I. No Person shall mix or put, or cause to be mixed or put, any
10 Water, Sand, Earth, or other Matter or Thing whatsoever in any
Bundle or Truss of Hay or Straw intended for Sale within the Cities
of London and Westminster, or within Thirty Miles thereof, with
Intent fraudulently to increase the Weight thereof, nor sell, offer,
or expose for Sale, or cause to be sold, offered, or exposed for Sale,
15 any Hay or Straw into or with which any Water, Sand, Earth, or
other Matter has been put or mixed, with such Intent as aforesaid.

No foreign
Matter to be
put in any
Truss of
Hay or Straw
to increase
its Weight.

II. Every Salesman or other Person who shall sell, in any Market
or Place within the Cities and Limits aforesaid, any Hay or Straw for
[Bill 261.] Salesmen to
declare the
Name of the
Owner.

the Owner thereof, shall at the Time of such Sale or at the Delivery thereof deliver or cause to be delivered therewith to the Buyer thereof a Ticket or Note containing the Number of Trusses so sold, and the Christian Name, Surname, and Address of such Owner.

Clerk of the
Market to
weigh and
examine,
and to
summon
Offenders.

III. Where any Hay or Straw is offered or exposed for Sale in any public Hay Market within the Cities and Limits aforesaid, if any Complaint be made to the Clerk or Toll Collector of any such Market, that the same is deficient in Weight or Quantity, or has been mixed or packed contrary to the Provisions of this Act or of the Act of the Thirty-sixth Year of the Reign of King George the Third, Chapter Eighty-eight, it shall be lawful for him and he is hereby required to weigh and examine the same; and if upon such Weighing or Examination any such Hay or Straw shall be found deficient in Weight or Quantity, or mixed with any foreign Matter, contrary to the Provisions of this Act or of the said recited Act, every such Clerk or Collector is hereby authorized and empowered to summon the Offender or Offenders before any Justice of the Peace having Jurisdiction in the District where such Market is situated, and every such Justice shall upon Proof thereof convict the Offender or Offenders in the respective Penalties by this Act or the said recited Act imposed.

Penalties.

IV. For every Offence against or Disobedience of the Provisions of this Act the Offender shall, at the Discretion of the Justice before whom the Conviction shall take place, be liable to any Penalty not exceeding Ten Pounds as shall be adjudged by such Justice.

Construction
of the Act
with 36 G. 3.
c. 88.

V. This Act shall be construed and taken together with the Act passed in the Thirty-sixth Year of the Reign of King George the Third, Chapter Eighty-eight, so far as the Provisions of the same are consistent herewith: Provided always, that nothing herein contained shall be construed or taken to apply to any Action or Proceeding now pending or which may be commenced previous to this Act coming into operation.

Hay and Straw Trade.

A

B I L L

[AS AMENDED IN COMMITTEE]

INTITLED

An Act to prevent false Packing and
other Frauds in the Hay and Straw
Trade.

(*Brought from the Lords 12 June 1856.*)

*Ordered, by The House of Commons, to be Printed,
21 July 1856.*

[Bill 261.]

Under 1 oz.

Hospitals (Dublin) Bill.

ARRANGEMENT OF CLAUSES.

Preamble recites 40 G. 3. c. 40. (I.); 1 G. 4. c. 49.; 1 & 2 Vict. c. 56.

Short Title; Sect. 1.

Interpretation of Terms; 2.

The House of Industry Hospitals, and the Lands belonging thereto, vested in Board of Works; 3.

Lord Lieutenant shall regulate Number of Officers and Servants to be kept for House of Industry Hospitals; 4.

Lord Lieutenant may grant Superannuations to Officers, &c. of House of Industry Hospitals, not exceeding Two Thirds of Salary; 5.

The Board of Public Works may order ordinary Repairs of such House of Industry Hospitals; 6.

Lord Lieutenant may appoint a Board of Superintendence of all Hospitals in Dublin supported wholly or in part by Parliamentary Grants; 7.

Duties of the Board of Superintendence; 8.

Meetings of Board of Superintendence. Quorum; 9.

Lord Lieutenant may appoint a Secretary to such Board; 10.

Secretary, on Requisition of Chairman or Two Members of Board of Superintendence, to convene Meeting; 11.

Board of Superintendence to make General Rules for all Hospitals supported wholly or in part by Parliamentary Grants; 12.

In case of Neglect of Board, Lord Lieutenant to make General Regulations; 13.

Board of Superintendence to make an annual Report to Lord Lieutenant, a Copy of which shall be laid before Parliament; 14.

12 June 1856. 19 VICT.



(Ireland.)

A

B I L L

FOR

The better Regulation of the House of Industry
Hospitals and other Hospitals in Dublin sup-
ported wholly or in part by Parliamentary
Grants.

WHEREAS an Act was passed in the Parliament of Ireland Preamble.
in the Fortieth Year of the Reign of His Majesty King
George the Third, intituled "An Act for the better 40 G. 3. c. 40.
" Regulation and Management of the House of Industry established (I.)
5 " for the Relief of the Poor in Dublin," which was amended by an Act
of the First Year of His Majesty King George the Fourth, Chapter 1 G. 4. c. 49.
Forty-nine: And whereas by an Act passed in the First and Second 1 & 2 Vict.
Years of the Reign of Her present Majesty, Chapter Fifty-six, the c. 56.
said House of Industry was vested in the Poor Law Commissioners,
10 and the said Commissioners have appropriated a Portion thereof to the
Purposes of a Workhouse for the North Dublin Union: And whereas
it is expedient to make other Provisions for the Regulation of the
Hospitals attached to such House of Industry, called in this Act the
" House of Industry Hospitals," and for other Hospitals in Dublin
15 supported wholly or in part by Parliamentary Grants: Be it enacted
by the Queen's most Excellent Majesty, by and with the Advice and
Consent of the Lords Spiritual and Temporal, and Commons, in this
[Bill 177.] A 2 present

present Parliament assembled, and by the Authority of the same, as follows :

Short Title. I. In citing this Act for any Purpose whatever, it shall be sufficient to use the Expression "Dublin Hospitals Regulation Act."

Interpretation of Terms. II. In the Interpretation of this Act, save where there is anything 5 in the Subject or Context repugnant to such Construction, the Words "Lord Lieutenant" shall include any other Chief Governor or Governors of Ireland; the Word "Officer" shall mean and include Governors, Chaplains, Physicians, Surgeons, Apothecaries, Stewards, Clerks, Superintendents, Matrons, and other Officers; and the Word 10 "Servant" shall mean and include Warders, Nurses, Keepers, Laundresses, Store Maids, Beadles, Gate-keepers, Porters, Messengers, and other Servants.

The House of Industry Hospitals, and the Lands belonging thereto, vested in Board of Works. III. The House of Industry Hospitals, and all Lands, Tenements, and Hereditaments of and belonging thereto, and not appropriated to 15 the Purposes of a Workhouse under the Provisions of the said last-recited Act, shall vest in the Commissioners of Public Works in Ireland for the Time being, according to the Nature and Quality, Estate and Interest of and in such Property, and subject to the Debts, Charges, and Incumbrances (if any) respectively affecting the 20 same; but the said House of Industry Hospitals shall, subject to the Provisions herein-after contained in relation thereto, be maintained, managed, and supported in the Manner in which the same are now by Law maintained, managed, and supported until the Lord Lieutenant shall by Order under his Hand otherwise direct. 25

Lord Lieutenant shall regulate Number of Officers and Servants to be kept for House of Industry Hospitals. IV. The Lord Lieutenant shall regulate and determine the Number and Description of Officers and Servants to be kept for the said House of Industry Hospitals as he may think fit, and the Salaries to be paid to them respectively, and the Lord Lieutenant may from Time to Time appoint or remove such Officers, and upon every Vacancy by Death, 30 Removal, or otherwise in any such Office may appoint some other Person to such Office, subject to the Conditions and Restrictions affecting the original Appointment to such Office, and may fill up or not, as in his Discretion he may think fit, Vacancies among such Officers, and the Governor of such House of Industry Hospitals may from Time 35 to Time, subject to the Approval of the Lord Lieutenant, appoint or remove such Servants; and such Salaries to such Officers and Servants shall be paid out of any Monies applicable to the Expenses of the said House of Industry Hospitals.

Lord-Lieutenant may grant Super- V. In case any Officer or Servant of such House of Industry 40 Hospitals shall become from confirmed Sickness, Age, or Infirmary incapable

incapable of executing the Office in Person, it shall be lawful for the Lord Lieutenant, if he think fit so to do, to grant to such Officer or Servant such Annuity by way of Superannuation as he shall think proportionate to the Merit and Time of Service of such Officer or
 5 Servant, and every such Annuity shall be paid and payable out of any Monies which shall be applicable for the Expenses of such House of Industry Hospitals: Provided always, that the annual Amount paid by way of Superannuation to any Officer or Servant of such House of Industry Hospitals shall not exceed the Amount of *Two Thirds* of the
 10 Salary payable at the Time of his or her Retirement.

annuities to Officers, &c. of House of Industry Hospitals, not exceeding Two Thirds of Salary.

VI. The Commissioners of Public Works in Ireland may from Time to Time, subject to the Approval of the Lord Lieutenant, order all such ordinary Repairs as may be necessary for such House of Industry Hospitals, and any Additions, Alterations, or Improvements
 15 to or in such Hospitals, or the Offices or Appurtenances thereto belonging, as may seem necessary or proper for the further or better Accommodation of the Patients who may be received therein; and the Expense of such Repairs, Additions, Alterations, and Improvements shall be paid and defrayed out of any Monies which shall be
 20 applicable for the Repairs or other ordinary Expenses of such Hospitals.

The Board of Public Works may order ordinary Repairs of such House of Industry Hospitals.

VII. It shall be lawful for the Lord Lieutenant to appoint any Number of Persons not exceeding *Twenty* to be a Board of Superintendence of all Hospitals in the City of Dublin which shall be supported in whole or in part by Moneys appropriated by Parliament
 25 for such Purpose, and to remove any Person so appointed; and in case of such Removal, or in case of the Death or Resignation of any such Person, to appoint another Person to be a Member of such Board of Superintendence in his Stead.

Lord Lieutenant may appoint a Board of Superintendence of all Hospitals in Dublin supported wholly or in part by Parliamentary Grants.

VIII. The Board of Superintendence shall inquire concerning the
 30 due Performance of the Rules and Regulations required to be observed by any Act, or by any Charter, or under any other proper Authority in any Hospital in the City of Dublin supported wholly or in part by Moneys appropriated by Parliament for such Purposes, and examine
 35 into the State and Repair of the Buildings, the Situation of the Patients therein, and the Government and Management thereof, and into the Conduct of all Persons holding any Office or Employment therein or relating thereto; and such Board of Superintendence are hereby authorized and empowered to examine any Officer or other Person relating to the Situation of the Patients in such Hospital, or to
 40 the Government and Management of such Hospital, and if it shall appear to the said Board that the Persons concerned in the Government or Management of any such Hospital, or any Person holding

Duties of the Board of Superintendence.

any Office or Employment therein or relating thereto, have been guilty of any Neglect or Nonobservance of the Rules and Regulations to which they were respectively bound to conform, such Board of Superintendence shall make a Report respecting the same to the Lord Lieutenant.

5

Meetings of
Board of
Superinten-
dence.

IX. The several Persons appointed Members of such Board of Superintendence shall within *One Month* after their Appointment assemble at some convenient Place to be named in a Notice in Writing given by Two or more Members of the Board, or by the Secretary of the Board, to the several Members so appointed, such Notice to be given to each Member personally or left at his usual Place of Abode, or transmitted to him through the Post Office, *Seven Days* at least before the Time appointed for such Meeting, and the said Board may adjourn the said Meeting from Time to Time, and meet when and so often as they think necessary; and the said Board shall at their First Meeting after their Appointment elect One of their Members to be their Chairman, who shall preside at all Meetings at which he is present, and in case of the Absence of the Chairman from any Meeting, the Members of the Board then present shall elect One of such Members to be Chairman for the Meeting, who shall preside at the Meeting; and to constitute a Meeting of the Board there shall be present not less than *Three Members* thereof, except for Adjournment, which may be made by less than *Three*; and every Question shall be decided by a Majority of Votes (the Chairman, whether permanent or temporary, having a Vote), and in the event of an Equality of Votes on any Question, the Chairman for the Time being shall have an additional or Casting Vote.

Quorum.

Lord Lieu-
tenant may
appoint a
Secretary to
such Board.

X. It shall be lawful for the Lord Lieutenant to appoint a Secretary to the said Board of Superintendence at such Salary not exceeding *hundred Pounds* per Annum, as the Lord Lieutenant shall appoint, to be paid out of such Funds as Parliament shall from Time to Time provide towards the Maintenance of such Hospitals, and the Lord Lieutenant may remove such Secretary, and in such Case, or in case of the Death or Resignation of any such Secretary, may appoint another in his Stead.

35

Secretary,
on Requisi-
tion of
Chairman or
Two Mem-
bers of Board
of Superin-
tendence, to
convene
Meeting.

XI. The Secretary of the Board of Superintendence, whenever required in Writing by the Chairman or Two of the Members of such Board, and the Chairman of any such Board, may, whenever he shall see fit, convene a Meeting of such Board by a Notice in Writing to each Member of the Time and Place of such Meeting, such Notice to be delivered, left, or transmitted as aforesaid by such Secretary or Chairman Three Days at the least before the Time appointed for such Meeting.

40

XII. The

XII. The Board of Superintendence shall prepare General Rules for the Government of all Hospitals supported wholly or in part by Moneys appropriated by Parliament for such Purpose, and for the Regulation of their own Duties and Proceedings, and for the Regulation and Performance of the Duties of the Secretary, and shall submit the General Rules so prepared by them to the Lord Lieutenant for his Approval ; and such Rules, when approved by him, shall be printed and observed, and such Board shall have Power, with the like Approbation, to alter and vary such Rules from Time to Time as they think necessary.

Board of Superintendence to make General Rules for all Hospitals supported wholly or in part by Parliamentary Grants.

XIII. In case the Board of Superintendence shall neglect to make such General Rules for the Space of *Three Months* after being required so to do by the Lord Lieutenant, it shall be lawful for the Lord Lieutenant, by Writing under the Hand of the Chief or Under Secretary for Ireland for the Time being, to make such General Rules, and from Time to Time to repeal, alter, or add to the same, and the said Rules shall be printed and observed as the General Rules for the Government of all such Hospitals.

In case of Neglect of Board, Lord Lieutenant to make General Regulations.

XIV. The Board of Superintendence shall in every Year lay before the Lord Lieutenant a Report in Writing of the State and Condition of every Hospital in the City of Dublin supported in whole or in Part by Moneys appropriated by Parliament for such Purpose, and as to its Sufficiency for the Patients for whom it may be requisite to provide Accommodation, and as to the Management of such Hospital and the Conduct of the Officers and Servants thereof, and the Care of the Patients therein ; and such Board may, in such Report, make such Remarks or Observations in relation to any Matters connected with such Hospital as they may think fit, and the Lord Lieutenant shall cause a Copy of such Report to be laid before both Houses of Parliament.

Board of Superintendence to make an annual Report to Lord-Lieutenant, a Copy of which shall be laid before Parliament.

Hospitals (Dublin).

(Ireland.)

A

BILL

For the better Regulation of the House of
Industry Hospitals and other Hospitals
in Dublin, supported wholly or in part
by Parliamentary Grants.

(*Prepared and brought in by*
Mr. Horsman and Mr. Attorney-General for
Ireland.)

Ordered, by The House of Commons, to be Printed,
12 June 1856.

[Bill 177.]

Under 1 oz.

Hospitals (Dublin) Bill.

[AS AMENDED IN COMMITTEE]

ARRANGEMENT OF CLAUSES.

Preamble recites 40 G. 3. c. 40. (I.); 1 G. 4. c. 49.; 1 & 2 Vict. c. 56.

Short Title; Sect. 1.

Interpretation of Terms; 2.

The House of Industry Hospitals, and the Lands belonging thereto, vested in Board of Works; 3.

Lord Lieutenant shall regulate Number of Officers and Servants to be kept for House of Industry Hospitals; 4.

CLAUSE A.—Lord Lieutenant may direct that the Management of the House of Industry Hospitals be vested in a Board of Governors; 5.

CLAUSE B.—Board of Governors, when appointed, shall, subject to Approval of Lord Lieutenant, regulate Number of Officers, &c. to be kept for such Hospitals; 6.

CLAUSE C.—Salaries to be paid out of Monies applicable to Expenses of such Hospitals; 7.

CLAUSE D.—Lord Lieutenant may alter Constitution of Board of Governors, and delegate to Board Powers vested in Lord Lieutenant in relation to such Hospitals; 8.

Lord Lieutenant may grant Superannuations to Officers, &c. of House of Industry Hospitals, not exceeding Two Thirds of Salary; 9.

The Board of Public Works may order ordinary Repairs of such House of Industry Hospitals; 10.

Lord Lieutenant may appoint a Board of Superintendence of all Hospitals in Dublin supported wholly or in part by Parliamentary Grants; 11.

Duties of the Board of Superintendence; 12.

Meetings of Board of Superintendence. Quorum; 13.

Lord Lieutenant may appoint a Secretary to such Board; 14.

Secretary, on Requisition of Chairman or Two Members of Board of Superintendence, to convene Meeting; 15.

Board of Superintendence to make General Rules for all Hospitals supported wholly or in part by Parliamentary Grants; 16.

In case of Neglect of Board, Lord Lieutenant to make General Regulations; 17.

Board of Superintendence to make an annual Report to Lord Lieutenant, a Copy of which shall be laid before Parliament; 18.

27 June 1856. 19 & 20 VICT.



(Ireland.)

A

B I L L

[AS AMENDED IN COMMITTEE]

FOR

The better Regulation of the House of Industry
Hospitals and other Hospitals in Dublin sup-
ported wholly or in part by Parliamentary
Grants.

[Note.—*The Clauses marked A. to D. were added in Committee.*]

- W**HEREAS an Act was passed in the Parliament of Ireland Preamble.
in the Fortieth Year of the Reign of His Majesty King
George the Third, intituled “An Act for the better 40 G. 3. c. 40.
“ Regulation and Management of the House of Industry established (I.)
5 “ for the Relief of the Poor in Dublin,” which was amended by an Act
of the First Year of His Majesty King George the Fourth, Chapter 1 G. 4. c. 49.
Forty-nine: And whereas by an Act passed in the First and Second 1 & 2 Vict.
Years of the Reign of Her present Majesty, Chapter Fifty-six, the c. 56.
said House of Industry was vested in the Poor Law Commissioners,
10 and the said Commissioners have appropriated a Portion thereof to the
Purposes of a Workhouse for the North Dublin Union: And whereas
it is expedient to make other Provisions for the Regulation of the
Hospitals attached to such House of Industry, called in this Act the
“ House of Industry Hospitals,” and for other Hospitals in Dublin
15 supported wholly or in part by Parliamentary Grants: Be it enacted
by the Queen’s most Excellent Majesty, by and with the Advice and
Consent of the Lords Spiritual and Temporal, and Commons, in this
[Bill 205.] A present

present Parliament assembled, and by the Authority of the same, as follows :

Short Title. I. In citing this Act for any Purpose whatever, it shall be sufficient to use the Expression "Dublin Hospitals Regulation Act."

Interpreta-
tion of
Terms. II. In the Interpretation of this Act, save where there is anything 5
in the Subject or Context repugnant to such Construction, the Words
"Lord Lieutenant" shall include any other Chief Governor or
Governors of Ireland; the Word "Officer" shall mean and include
Governors, Chaplains, Physicians, Surgeons, Apothecaries, Stewards,
Clerks, Superintendents, Matrons, and other Officers; and the Word 10
"Servant" shall mean and include Warders, Nurses, Keepers, Laun-
dresses, Store Maids, Beadles, Gate-keepers, Porters, Messengers,
and other Servants.

The House
of Industry
Hospitals,
and the
Lands be-
longing
thereto,
vested in
Board of
Works. III. The House of Industry Hospitals, and all Lands, Tenements,
and Hereditaments of and belonging thereto, and not appropriated to 15
the Purposes of a Workhouse under the Provisions of the said last-
recited Act, shall vest in the Commissioners of Public Works in
Ireland for the Time being, according to the Nature and Quality,
Estate and Interest of and in such Property, and subject to the
Debts, Charges, and Incumbrances (if any) respectively affecting the 20
same; but the said House of Industry Hospitals shall, subject to the
Provisions herein-after contained in relation thereto, be regulated and
managed in the Manner in which the same are now by Law regulated
and managed, until the Lord Lieutenant shall by Order under his
Hand otherwise direct. 25

Lord Lieu-
tenant shall
regulate
Number of
Officers and
Servants to
be kept for
House of
Industry
Hospitals IV. The Lord Lieutenant shall, subject to the Provisions herein-
after contained, regulate and determine the Number and Description
of Officers and Servants to be kept for the said House of Industry
Hospitals as he may think fit, and the Salaries to be paid to them
respectively, and the Lord Lieutenant may from Time to Time 30
appoint or remove such Officers or Servants, and upon every Vacancy
by Death, Removal, or otherwise in any such Office may appoint
some other Person to such Office, and may fill up or not, as in his
Discretion he may think fit, Vacancies among such Officers and
Servants. 35

CLAUSE A.
Lord Lieu-
tenant may
direct that
the Manage-
ment of the
House of
Industry V. The Lord Lieutenant may, when he shall deem it expedient so
to do, by Order direct that the Management of the House of Industry
Hospitals shall be vested in a Board of Governors to be partly
nominated by the Lord Lieutenant and partly elected by the Sub- 40
scribers to the said Hospitals, in such Proportion as the Lord Lieu-
tenant

tenant shall from Time to Time determine, and the Lord Lieutenant shall also from Time to Time determine the Number of Members of which such Board shall consist, and the Qualification of such Members as are to be so elected by the said Subscribers.

Hospitals be vested in a Board of Governors.

CLAUSE B.
Board of Governors, when appointed, shall, subject to Approval of Lord Lieutenant, regulate Number of Officers, &c. to be kept for such Hospitals.

- 5 VI. Such Board of Governors, when so appointed, shall, subject to the Approval of the Lord Lieutenant, and subject to such Orders as the Lord Lieutenant shall from Time to Time make in that Behalf, regulate and determine the Number and Description of Officers and Servants to be kept for the said House of Industry Hospitals, and the
- 10 Salaries to be paid to them respectively; and may from Time to Time remove such Officers and Servants, and appoint others in their Stead, and may fill up or not, as in their Discretion they may think fit, Vacancies among such Officers and Servants.

CLAUSE C.
Salaries to be paid out of Monies applicable to Expenses of such Hospitals.

- VII. The Salaries to such Officers and Servants shall be paid out
- 15 of any Monies applicable to the Expenses of the said House of Industry Hospitals.

CLAUSE D.
Lord Lieutenant may alter Constitution of Board of Governors, and delegate to Board Powers vested in Lord Lieutenant in relation to such Hospitals.

- VIII. The Lord Lieutenant may from Time to Time, by Order, alter the Constitution and limit and define the Powers of such Board
- 20 of Governors, and may, by Order, delegate to the said Board of Governors or to any Officer of the said House of Industry Hospitals, all or any of the Powers vested in the Lord Lieutenant in relation thereto.

Lord-Lieutenant may grant Superannuations to Officers, &c. of House of Industry Hospitals, not exceeding Two Thirds of Salary.

- IX. In case any Officer or Servant of such House of Industry Hospitals or of the Lock Hospital in Dublin shall become, from confirmed Sickness, Age, or Infirmary, incapable of executing the Office
- 25 in Person, it shall be lawful for the Lord Lieutenant, if he think fit so to do, with the Consent and Approval of the Commissioners of Her Majesty's Treasury, to grant to such Officer or Servant such Annuity by way of Superannuation as he shall think proportionate
- 30 to the Merit and Time of Service of such Officer or Servant, and every such Annuity shall be paid and payable out of any Monies which shall be applicable for the Expenses of such House of Industry Hospitals and Lock Hospital respectively: Provided always, that the annual Amount paid by way of Superannuation to any such Officer or
- 35 Servant shall not exceed the Amount of Two Thirds of the Salary payable at the Time of his or her Retirement.

- X. The Commissioners of Public Works in Ireland may from Time to Time, subject to the Approval of the Lord Lieutenant, order all such ordinary Repairs as may be necessary for such House of
- 40 Industry Hospitals, and any Additions, Alterations, or Improvements

The Board of Public Works may order ordinary Repairs of such House of Industry Hospitals,

to or in such Hospitals, or the Offices or Appurtenances thereto belonging, as may seem necessary or proper for the further or better Accommodation of the Patients who may be received therein; and the Expense of such Repairs, Additions, Alterations, and Improvements shall be paid and defrayed out of any Monies which shall be applicable for the Repairs or other ordinary Expenses of such Hospitals. 5

Lord Lieutenant may appoint a Board of Superintendence of all Hospitals in Dublin supported wholly or in part by Parliamentary Grants.

XI. It shall be lawful for the Lord Lieutenant to appoint any Number of Persons not exceeding Twenty to be a Board of Superintendence of all Hospitals in the City of Dublin which shall be supported in whole or in part by Moneys appropriated by Parliament for such Purpose, and to remove any Person so appointed; and in case of such Removal, or in case of the Death or Resignation of any such Person, to appoint another Person to be a Member of such Board of Superintendence in his Stead. 10

Duties of the Board of Superintendence.

XII. The Board of Superintendence shall inquire concerning the due Performance of the Rules and Regulations required to be observed by any Act, or by any Charter, or under any other proper Authority in any Hospital in the City of Dublin supported wholly or in part by Moneys appropriated by Parliament for such Purposes, and examine into the State and Repair of the Buildings, the Situation of the Patients therein, and the Government and Management thereof, and into the Conduct of all Persons holding any Office or Employment therein or relating thereto; and such Board of Superintendence are hereby authorized and empowered to examine any Officer or other Person relating to the Situation of the Patients in such Hospital, or to the Government and Management of such Hospital, and if it shall appear to the said Board that the Persons concerned in the Government or Management of any such Hospital, or any Person holding any Office or Employment therein or relating thereto, have been guilty of any Neglect or Nonobservance of the Rules and Regulations to which they were respectively bound to conform, such Board of Superintendence shall make a Report respecting the same to the Lord Lieutenant. 25 30

Meetings of Board of Superintendence.

XIII. The several Persons appointed Members of such Board of Superintendence shall within One Month after their Appointment assemble at some convenient Place to be named in a Notice in Writing given by Two or more Members of the Board, or by the Secretary of the Board, to the several Members so appointed, such Notice to be given to each Member personally or left at his usual Place of Abode, or transmitted to him through the Post Office, Seven Days at least before the Time appointed for such Meeting, and the said Board may adjourn 40

adjourn the said Meeting from Time to Time, and meet when and so often as they think necessary; and the said Board shall at their First Meeting after their Appointment elect One of their Members to be their Chairman, who shall preside at all Meetings at which he is present, and in case of the Absence of the Chairman from any Meeting, the Members of the Board then present shall elect One of such Members to be Chairman for the Meeting, who shall preside at the Meeting; and to constitute a Meeting of the Board there shall be present not less than Three Members thereof, except for Adjournment, Quorum.

10 which may be made by less than Three; and every Question shall be decided by a Majority of Votes (the Chairman, whether permanent or temporary, having a Vote), and in the event of an Equality of Votes on any Question, the Chairman for the Time being shall have an additional or Casting Vote.

15 XIV. It shall be lawful for the Lord Lieutenant to appoint a Secretary to the said Board of Superintendence at such Salary not exceeding hundred Pounds per Annum, as the Lord Lieutenant shall appoint, to be paid out of such Funds as Parliament shall from Time to Time provide towards the Maintenance of such Hospitals, and the Lord

20 Lieutenant may remove such Secretary, and in such Case, or in case of the Death or Resignation of any such Secretary, may appoint another in his Stead.

Lord Lieutenant may appoint a Secretary to such Board.

XV. The Secretary of the Board of Superintendence, whenever required in Writing by the Chairman or Two of the Members of such Board, and the Chairman of any such Board, may, whenever he shall see fit, convene a Meeting of such Board by a Notice in Writing to each Member of the Time and Place of such Meeting, such Notice to be delivered, left, or transmitted as aforesaid by such Secretary or Chairman Three Days at the least before the Time appointed for

30 such Meeting.

Secretary, on Requisition of Chairman or Two Members of Board of Superintendence, to convene Meeting.

XVII. The Board of Superintendence shall from Time to Time prepare General Rules for the Government of all Hospitals supported wholly or in part by Moneys appropriated by Parliament, provided that such Rules shall not be inconsistent with the Charters or Acts of Parliament at present regulating such Hospitals respectively, and such Board shall also prepare General Rules for the Regulation of their own Duties and Proceedings, and for the Regulation and Performance of the Duties of the Secretary, and shall submit the General Rules so prepared by them to the Lord Lieutenant for his

40 Approval; and such Rules, when approved by him, shall be printed and observed, and such Board shall have Power, with the like Appro-

Board of Superintendence to make General Rules for all Hospitals supported wholly or in part by Parliamentary Grants.

bation, to alter and vary such Rules from Time to Time as they think necessary.

In case of Neglect of Board, Lord Lieutenant to make General Regulations.

XVII. In case the Board of Superintendence shall neglect to make such General Rules for the Space of Three Months after being required so to do by the Lord Lieutenant, it shall be lawful for the Lord Lieutenant, by Writing under the Hand of the Chief or Under Secretary for Ireland for the Time being, to make such General Rules, and from Time to Time to repeal, alter, or add to the same, and the said Rules shall be printed and observed as the General Rules for the Government of all such Hospitals.

10

Board of Superintendence to make an annual Report to Lord Lieutenant, a Copy of which shall be laid before Parliament.

XVIII. The Board of Superintendence shall in every Year lay before the Lord Lieutenant a Report in Writing of the State and Condition of every Hospital in the City of Dublin supported in whole or in Part by Moneys appropriated by Parliament for such Purpose; and as to its Sufficiency for the Patients for whom it may be requisite to provide Accommodation, and as to the Management of such Hospital and the Conduct of the Officers and Servants thereof, and the Care of the Patients therein; and such Board may, in such Report, make such Remarks or Observations in relation to any Matters connected with such Hospital as they may think fit, and the Lord Lieutenant shall cause a Copy of such Report to be laid before both Houses of Parliament.

Hospitals (Dublin).

A

BILL

For the better Regulation of the House of
Industry Hospitals and other Hospitals
in Dublin, supported wholly or in part
by Parliamentary Grants.

(*Prepared and brought in by*
Mr. Horsman and Mr. Attorney-General for
Ireland.)

Ordered, by The House of Commons, to be Printed,
27 June 1856.

[Bill 205.]

Under 1 oz.

5 February 1856. 19 VICT.



A

B I L L

TO

Regulate certain Offices of the House of Commons.

WHEREAS under an Act of King George the Third, Chapter Preamble.
Eleven, intituled “An Act to repeal an Act passed in the 52 G. 3. c. 11.
“Thirty-ninth and Fortieth Year of His present Majesty, s. 14.

“for establishing certain Regulations in the Offices of the House of
5 “Commons, and to establish other and further Regulations in the said
“Offices,” the Clerk of the House of Commons has the Power of
Nomination or Appointment of all the Clerks in his Department,
together with the Power of Suspension and Removal of all the Clerks
so by him nominated or appointed: And whereas Sir Denis Le
10 Marchant, Baronet, on being appointed Clerk of the House of Com-
mons, agreed that the Clerk Assistant and Second Clerk Assistant
of the House should thereafter be appointed by Her Majesty: And
whereas Her Majesty has, on the Recommendation of the Speaker,
signified Her Pleasure that Thomas Erskine May, Esquire, be ap-
15 pointed Clerk Assistant of the said House; but the Powers of
Appointment under the said Act cannot be varied without the Autho-
rity of Parliament: Be it enacted by the Queen’s most Excellent
Majesty, by and with the Advice and Consent of the Lords Spiritual
and Temporal, and Commons, in this present Parliament assembled,
20 and by the Authority of the same, as follows:

[Bill 20.]

I. The

The Clerks
Assistant to
be appointed
by Her
Majesty.

I. The Appointment of the said Thomas Erskine May shall be confirmed, and the Clerk Assistant and Second Clerk Assistant of the House of Commons respectively shall hereafter be appointed by Her Majesty by Warrant under Her Royal Sign Manual, and every present and future Clerk Assistant and Second Clerk Assistant shall be 5 removable only by Her Majesty upon an Address of the House of Commons to Her Majesty for that Purpose.

Provisions
fixing and
charging on
the Consoli-
dated Fund
the Salary of
the Second
Clerk Assist-
ant repealed.
4 & 5 W. 4.
c. 70. s. 4.
12 & 13 Vict.
c. 72. s. 2.

II. So much of the several Acts relating to the Offices of the House of Commons as fixes the Salary of the Second Clerk Assistant, and charges such Salary on the Consolidated Fund of the United Kingdom, 10 shall be repealed.

House of Commons' Offices.

A

B I L L

To regulate certain Offices of the House
of Commons.

(*Prepared and brought in by*
Mr. Wilson and Viscount Palmerston.)

Ordered, by The House of Commons, to be Printed,
5 February 1856.

[Bill 20.]

Under 1 os.

11 July 1856. 19 & 20 VICT.



A

B I L L

TO

Amend the Law of Imprisonment for Debt.

WHEREAS it is expedient to limit the present Power of Preamble.
Arrest for Debts, Damages, Demands, or Costs: Be it
enacted by the Queen's most Excellent Majesty, by and
with the Advice and Consent of the Lords Spiritual and Temporal,
5 and Commons, in this present Parliament assembled, and by the
Authority of the same, as follows:

I. This Act shall come into operation on the *Seventh Day after the* Commence-
passing of the same. ment of Act.

II. From and after the *Commencement of this Act*, no Writ of Except in
10 Capias ad satisfaciendum, or other Writ, Process, or Warrant to arrest certain
the Body of any Defendant in any Action or Suit (Actions for Cases, no
Malicious Prosecution, or for Deceit, Libel, Slander, Criminal Conversa- Process of
tion, Seduction, or Breach of Promise of Marriage only excepted), Arrest to
15 shall be issued, founded on any Judgment, Decree, or Order of any issue.
of the Superior Courts of Law or Equity or any Inferior Court in
England, nor shall any Writ, Process, or Warrant to arrest the Body
of any Plaintiff, Defendant, or other Person in any Action or Suit be
issued, founded on any Judgment, Decree, or Order of any Court of
Law or Equity, or any Ecclesiastical or other Court, for the Recovery
[Bill 247.] A of

of Costs, or for the Payment of Money, whether consisting wholly or partly of Costs, or otherwise.

Process
issued not to
be executed.

III. In case any such Writ, Process, or Warrant to arrest the Person (save in any of the Cases excepted) have issued before the *Commencement of this Act*, founded on any such Judgment, Decree, 5 or Order as aforesaid, and have not been executed before the Day of the *Commencement of this Act*, such Writ, Process, or Warrant shall not on or after the said Day be executed against the Person of the Party against whom the same was issued.

Persons in
Custody
to be dis-
charged.

IV. In any Case where on the *Day of the Commencement of this Act* any Person is in Custody under or by virtue of any such Writ, Process, or Warrant, founded on any such Judgment, Decree, or Order as aforesaid (save in any of the excepted Cases), it shall be lawful for the Sheriff, Gaoler, or Officer in whose Custody such Person is detained, and he is hereby, on the Application of such Person, required, 15 to discharge him forthwith out of Custody as to such Execution, Writ, Decree, or Order respectively, without Prejudice, nevertheless, to any other Right to detain such Person in Custody for any Cause for which he may lawfully be so detained; but, notwithstanding such Discharge, the Judgment, Decree, or Order whereupon the Debtor or 20 Party was taken or charged in Execution or arrested shall nevertheless remain and continue in force, to the Intent that the Judgment Creditor or Person obtaining such Decree or Order may have and take Remedy and Execution upon every such Judgment, Decree, or Order against the Property and Effects of such Debtor or Party, in the same Manner 25 and Form as the Creditor or Person obtaining the Decree or Order otherwise might have done in case such Debtor or Party had never been so taken or charged in Execution or arrested.

Persons ex-
empted from
Arrest or
discharged
may be sum-
moned to
show Cause
why Process
of Arrest
or Committal
should not
issue.

V. In every Case of a Judgment, Decree, or Order, under or by virtue of which a Defendant or Party might, if this Act had not been 30 passed, be charged in Execution or arrested, and in every Case where any Defendant or Party is discharged from Custody as to any such Execution, Decree or Order, under or by virtue of this Act, if the Plaintiff or Person who has obtained such Execution, Decree, or 35 Order have not recovered his Demand out of the Goods, Chattels, or Property of such Defendant or Party, if in any such Case the Sum due or to be paid under such Judgment, Decree, or Order, inclusive of Costs, does not exceed *Three hundred Pounds*, such Plaintiff or Person may apply to the County Court of the District in which such Defendant or Party resides for a Summons requiring such Defendant 40 or Party personally to appear at such County Court, and to show Cause why Execution or Process of Arrest or a Committal should not issue

issue against his Person in respect of such Judgment, Decree, or Order, as the Case may be; and the said County Court shall have Power to hear and determine the Matter; and the Service of such Summons, and the Proceedings in the Matter, and the Costs of or
5 relating to the same, shall be subject to the like Proceedings and Regulations, so far as the same are applicable, as any Plaintiff in case of Debt or Assumpsit, save as herein otherwise provided.

VI. At the Hearing of such Matter, if such Plaintiff or other Person, or such Defendant or Party, or either of them, appear, the
10 Court may cause him to be examined on Oath, and shall upon such Examination, or upon such other Evidence as is offered, investigate the Amount of the Debts or Demands due or owing by or claimable against the Defendant or Party, and the Nature and Amount and Circumstances of any Property, of whatsoever Kind, he, or any one in trust for
15 him, is, was, or may be possessed of or entitled to, and the Manner and Circumstances under which the Debt due to the Plaintiff or other Liability was incurred, and the Means and Expectation of Payment thereof; and if it appear that the said Defendant or Party, or any one in trust for him, is possessed of or entitled to Property of any Kind which, regard
20 being had to the Nature, Amount, and Circumstances of such Property, and to the several Debts and Demands due by and claimable against such Defendant or Party, and to the Security of his several Creditors, ought, in the Opinion of the Court, to be administered under the Provisions of the Acts relating to Insolvent Debtors, then and in such Case
25 such Court may make an Order that the Property of such Defendant or Party be vested in the Assignee for the Time being of the Estates and Effects of Insolvent Debtors in England; and may order such Defendant or Party to be committed, with Stay of Execution for such Time, whether more or less than Forty Days, to be by such Order
30 limited, as to such Court may seem fit, and under such Order such Defendant or Party may be arrested and detained in Custody accordingly, as in other Cases of Committal under the Act of the Ninth and Tenth Victoria, Chapter Ninety-five, anything herein to
the contrary notwithstanding; and a Copy of such Examination
35 and of every such Order shall be transmitted to the Court of Insolvent Debtors, and such Order for vesting the Property of such Defendant or Party shall operate and have the same Effect as if the same were made by the Court for the Relief of Insolvent Debtors; and thereupon the Assignee of the said Court of Insolvent Debtors shall take
40 possession of the Estate and Effects of such Defendant or Party, in like Manner as if the same had been vested in him by an Order of the said Court of Insolvent Debtors; and the said Court of Insolvent Debtors shall proceed in the Case in like Manner as if such Defendant

Where there is Property fit to be administered under the Insolvent Acts, an Order may issue to vest such Property in the Assignee of Insolvents Estates.

9 & 10 Vict. c. 95.

or Party were a Prisoner within the Walls of a Prison, and as if he had petitioned to be discharged from Prison, and shall proceed upon such Examination as if the same were the Schedule of the said Defendant or Party filed upon his Petition to be discharged under the Authority of the Court; but it shall nevertheless be lawful for such Defendant 5 or Party to file a Schedule, and to amend the same, under the Provisions of the Acts for the Relief of Insolvent Debtors.

Commit-
ments for
Non-appear-
ance.

VII. But if such Defendant or Party do not attend as required by such Summons, or do not allege a sufficient Excuse for not attending, or if he attend and refuse to be sworn or to disclose any of the Things 10 aforesaid, or if he do not make Answer touching the same to the Satisfaction of the Court, such Court may order such Defendant or Party to be committed to the Common Gaol or House of Correction of the County, District, or Place in which he is resident for any Period not exceeding Two Calendar Months, unless he sooner submit 15 himself to be examined, or to the Authority of the Court.

Commit-
ment for
Conceal-
ment, Fraud,
&c.

VIII. And if at any such Hearing it appear to the Court, either by the Examination of such Defendant or Party or by any other Evidence, that there is not Property of such Defendant or Party 20 which ought in the Opinion of such Court to be administered under the said Acts relating to Insolvent Debtors, or that such Defendant or Party is not of sufficient Ability to discharge the Debt or Demand, but that in incurring the Debt or other Liability he has obtained Credit under false Pretences or by means of Fraud or Breach of Trust, or has wilfully contracted such Debt or Liability without having 25 had at the same Time a reasonable Expectation of being able to pay or discharge the same, or that he has made or caused to be made any Gift, Delivery, or Transfer of any Property, or has charged, removed, or concealed the same, with Intent to defraud his Creditors or any of them, then and in any such Case such Court may order such Defendant 30 or Party to be committed to the Common Gaol or House of Correction of the County, District, or Place in which he is resident for any Period not exceeding Six Calendar Months, unless the Demand be sooner paid, without Prejudice to the Remedies for the Recovery of the Demand out of the Property or Effects of the said Defendant 35 or Party.

When the
Demand ex-
ceeds 300*l*.
the original
Court to
have Juris-
diction under
this Act.

IX. In every Case where the Sum due or to be paid under any Judgment, Decree, or Order, inclusive of Costs, exceeds the Sum of Three hundred Pounds, the Court by which such Judgment, Decree, or Order has been or may be made may exercise any of the Powers 40 herein-before given to the County Court.

X. In

X. In any Action in any Court, in any Case where the Power of Arrest would otherwise be taken away by this Act, if the Plaintiff cause a written or printed Notice to be annexed to or endorsed on the Summons or other Process by which such Action is commenced, stating that he will proceed in such Action under the Provisions of this Act, inserting the Title thereof, in such Case the Court at the original Hearing of the Cause, if the Judgment be against the Defendant, shall have the same Power and Authority to examine the Defendant and Plaintiff or either of them, or other Persons, and of making Orders for vesting the Property of the Defendant in the Assignee of the Estates and Effects of Insolvent Debtors, and for committing such Defendant to Prison, as is herein-before provided for the Case where a Judgment has been already given.

XI. In any Action in any Court, or in any Case in which a Judgment, Decree, or Order of any Court has been had or obtained, where the Defendant or Party against whom such Action is brought, or such Judgment, Decree, or Order is had or obtained, might, if this Act had not been passed, be or have been charged in Execution or arrested, if the Plaintiff or Person bringing such Action, or obtaining such Judgment, Decree, or Order, show, by the Affidavit of himself or of some other Person, or by other Proof to the Satisfaction of such Court, that there is probable Cause for believing that such Defendant or Party, or any one of any such Defendants or Parties, is about to quit England, unless he be forthwith arrested or charged in Execution, it shall be lawful for such Court upon the Hearing of the Case to grant an Execution, Order, or Decree, as the Case may be, against the Person of the Defendant, or (in the Case of an Execution, Decree, or Order having been theretofore had or obtained,) by a special Order to direct that such Defendant or Party shall be arrested or charged in Execution under such Judgment, Decree, or Order as aforesaid; and thereupon it shall be lawful for the Plaintiff or Person obtaining such Judgment, Decree, or Order to arrest or charge in Execution the said Defendant or Party against whom the same was obtained, in like Manner as such Defendant or Party might have been arrested or charged in Execution if this Act had not been passed; but in the Case of any such special Order for Arrest in Execution as last aforesaid obtained in respect of a Judgment, Decree, or Order theretofore obtained, it shall be lawful for the Person so arrested or charged in Execution to apply, at any Time after such Arrest, to the Court for a Rule or Order on the Plaintiff or Person obtaining such Judgment, Decree, or Order, to show Cause why the Party arrested under such special Order as aforesaid should not be discharged out of Custody; and it shall be lawful for such Court thereupon, and upon Consideration of any further Affidavits produced by or

Power to make Orders at the original Hearing.

Where a Defendant is about to quit England he may be arrested by special Order.

on behalf of either of the Parties, or upon Examination of the Parties or either of them, or of Witnesses, to make such other Order thereon as to such Court may seem fit, or to direct the Costs of such Application to be paid by either Party; but if thereupon the Party arrested be discharged, such Discharge shall be without Prejudice to any Remedies 5 for the Recovery of the Plaintiff's or Party's Demand out of the Property or Effects of the Defendant or Person so discharged, and the Execution, Writ, Decree, or Process against the Person may be changed to an Execution, Writ, Decree, or Process against such Property or Effects. 10

Act not to
extend to
Proceedings
relating to
Revenue.

XII. Nothing in this Act contained shall extend or apply to or affect or prejudice any Information or other Proceeding under any of the Statutes relating to Her Majesty's Revenue of Excise or Customs, Stamps, Taxes, or Post Office.

Imprisonment for Debt.

A

B I L L

To amend the Law of Imprisonment
for Debt.

(Prepared and brought in by
Mr. Pellatt and Mr. Hadfield.)

Ordered, by the House of Commons, to be Printed,
11 July 1856.

[Bill 247.]

Under 102.

10 July 1856. 19 & 20 VICT.



A

B I L L

TO

Grant Relief in assessing the Income Tax on Lands in Scotland in respect of certain Public Burdens charged thereon; to alter and regulate the Allowances to Clerks to the Commissioners of Income Tax; and to amend the Laws relating to the Redemption and Purchase of the Land Tax.

WHEREAS it is expedient to grant Relief in assessing the Preamble.
Income Tax on Lands in Scotland in respect of certain
Public Burdens charged thereon, and to alter and regulate
the Allowances to Clerks to the Commissioners of Income Tax; and
5 also to amend the Laws relating to the Redemption and Purchase of
the Land Tax: Be it therefore enacted by the Queen's most
Excellent Majesty, by and with the Advice and Consent of the
Lords Spiritual and Temporal, and Commons, in this present Parlia-
ment assembled, and by the Authority of the same, as follows:

- 10 I. Whereas the Rules contained in the Act passed in the Fifth
and Sixth Years of Her Majesty's Reign, Chapter Thirty-five, for
estimating the annual Value of Properties described in Schedules
[Bill 240.] (A.) Relief from
Income Tax
to Landlords
in Scotland
in respect of

Public Bur-
dens not paid
by Landlords
in England.
5 & 6 Vict.
c. 35. s. 63.
No. X.

(A.) and (B.) of the Acts relating to the Income Tax, in order to the assessing and charging of the same under the said Acts, direct that where any Landlord shall be subject to any Covenant or Agreement to pay or satisfy out of the Rent reserved Parochial Rates, Taxes, and Assessments which by Law are a Charge on the Occupiers of Lands, 5 the annual Value of such Lands shall be estimated for the Purpose aforesaid, exclusive of such Rates, Taxes, and Assessments: And whereas certain Public Rates and Taxes which in England are by Law a Charge on the Occupiers of Lands are in Scotland charged on the Landlords, and other Public Burdens, the like whereof do not 10 exist in England, are also charged on the Landlords in Scotland; and it is expedient to afford Relief to Landlords in Scotland with respect to the Charge of the Income Tax upon them in regard to all such Cases as aforesaid: Be it enacted, That where it shall be made to appear to the Satisfaction of the Commissioners of Inland Revenue that the Landlord of Lands in Scotland is by Law charged with any 15 Public Rates, Taxes, or Assessments which in England are by Law a Charge on the Occupiers of Lands, or that such Landlord is by Law charged with any Public Rates or Taxes or other Public Burdens the like whereof are not chargeable on Lands in England, the said Commissioners shall cause such Relief to be given to the said Landlords 20 in Scotland as shall be just and reasonable in regard to the Charge of the Income Tax on them in respect of an annual Value exceeding by the Amount of such Rates, Taxes, Assessments, and Public Burdens the Charge of the said Tax on Landlords in England, and such Relief shall be given either by Abatement from the Assessment, or by 25 Repayment of the Tax, and under such Rules, Regulations, and Directions as the said Commissioners shall think fit to make or give in that Behalf.

Allowances
to Clerks to
Income Tax
Commis-
sioners under
recited Acts
repealed,
and other
Allowances
granted in
lieu thereof.
5 & 6 Vict.
c. 35. s. 183.
16 & 17 Vict.
c. 34. s. 57.

II. And whereas by Section One hundred and eighty-three of the said recited Act certain Allowances were directed to be granted to 30 the Clerks of the respective Commissioners of Income Tax for the due Performance by the said Clerks of the Duties of their Offices respectively, and by an Act passed in the Sixteenth and Seventeenth Years of Her Majesty's Reign, Chapter Thirty-four, Section Fifty-seven, certain other Allowances were directed to be granted to the 35 said Clerks in lieu of the said former Allowances: Be it enacted, That the said Allowances directed to be granted by the said recited Acts or either of them to the Clerks of the respective Commissioners of Income Tax shall be and the same are hereby repealed as to all Assessments made or to be made for any Year commencing from or 40 after the Fifth Day of April One thousand eight hundred and fifty-six, and in lieu thereof there shall be granted the following Allowances; (that is to say,) the Clerk of the respective Commissioners who shall duly

duly perform the Duties of his Office within the respective Times limited by Law in that Behalf, and shall have borne and sustained the incidental Expenses mentioned in the said first-recited Act, shall, by Warrant under the Hands of the said Commissioners, have and receive
 5 from the respective Officers for Receipt *Twopence* in the Pound on the net Amount of the Sums assessed and charged in the Duplicates of Assessment for any Year commencing as aforesaid, after all Appeals heard and determined, and all just Reductions, Abatements, and Discharges made from such Assessments and Duplicates respectively;
 10 provided that the total Amount of such Allowance which the Clerk in any District shall be entitled to for any One Year, computed at the Rate aforesaid, shall not exceed *Five hundred Pounds*; but if the same shall exceed that Amount, then the Allowance to such Clerk shall be computed and granted at the Rate of only *One Penny* in
 15 the Pound on the net Amount of the Sums assessed and charged as aforesaid: Provided always, that where in any such last-mentioned Case the total Amount of such Allowance which such Clerk shall be entitled to for any One Year, computed at the last-mentioned Rate, shall not amount to *Five hundred Pounds*, then such Clerk shall
 20 have and be entitled to such further Sum as, together with the said Allowance computed at the Rate of *One Penny* in the Pound, will amount in the whole to *Five hundred Pounds* for the Year: Provided always, that it shall be lawful for the Commissioners of Her Majesty's Treasury, in any Case in which they shall see fit, to cause such further
 25 Allowance to be made to any such Clerk as aforesaid, of any Sum not exceeding *One Penny* in the Pound on the Amount of such Part of the gross Assessment as shall have been discharged on Occasion of Claims for Exemption or Abatement made or allowed on the Ground of Income being below One hundred and fifty Pounds and One hundred
 30 Pounds a Year respectively as the said last-mentioned Commissioners shall, on Consideration of the Extent and Population of the District, and the Number of such Claims, think proper to direct; and the Certificate of the Commissioners of Inland Revenue shall be an Authority to the Officers for Receipt respectively to pay such
 35 further Allowance as last mentioned.

III. And whereas by an Act passed in the Sixteenth and Seventeenth Years of Her Majesty's Reign, Chapter One hundred and seventeen, Section Two, it is enacted, that upon the Completion of any Contract entered into after the passing of the said last-mentioned
 40 Act for the Redemption of Land Tax, and upon the Transfer or Payment of the Consideration for the same, the Messuages, Lands, Tenements, or Hereditaments comprised in such Contract shall be wholly freed and exonerated from the Land Tax charged thereon, and from all further Assessments thereof, and from any yearly Term,
 [240.] Rent,

Section 2. of
 16 & 17 Vict.
 c. 117. re-
 lating to
 Redemption
 of Land Tax
 repealed.

Rent, or Rentcharge in respect of any Consideration for such Contract: Be it enacted, That the said last-recited Enactment, so far as regards any such Contract as aforesaid to be entered into at any Time after the *passing of this Act*, shall be and the same is hereby repealed.

Income and Land Taxes.

A

B I L L

To grant Relief in assessing the Income Tax on Lands in Scotland in respect of certain Public Burdens charged thereon; to alter and regulate the Allowances to Clerks to the Commissioners of Income Tax; and to amend the Laws relating to the Redemption and Purchase of the Land Tax.

(*Prepared and brought in by
The Chancellor of the Exchequer and Mr. Wilson.*)

*Ordered, by The House of Commons, to be Printed,
10 July 1856.*

[Bill 240.]

Under 1 oz.

27 June 1856. 19 & 20 VICT.



(Ireland.)

A

B I L L

TO

Extend the Period for applying for a Sale under the Acts for facilitating the Sale and Transfer of Incumbered Estates in Ireland, and to amend the said Acts.

WHEREAS an Act was passed in the Session of Parliament holden in the Twelfth and Thirteenth Years of the Reign of Her present Majesty, intituled “An Act further to facilitate the Sale and Transfer of Incumbered Estates in Ireland :”

Preamble.

12 & 13 Vict.

c. 77.

5 And whereas a certain other Act was passed in the Session of Parliament holden in the Fifteenth and Sixteenth Years of the Reign of Her Majesty, intituled “An Act to continue the Powers of applying for a Sale of Lands under the Act for facilitating the Sale and

15 & 16 Vict.

c. 67.

10 other Act was passed in the Session of Parliament holden in the Sixteenth and Seventeenth Years of the Reign of Her Majesty, intituled “An Act for continuing and amending the Act for facilitating the Sale and Transfer of Incumbered Estates in Ireland :”

16 & 17 Vict.

c. 64.

15 And whereas a certain other Act was passed in the Session of Parliament holden in the Eighteenth and Nineteenth Years of the Reign of Her Majesty, intituled “An Act to extend the Period for applying for a Sale under the Acts for facilitating the Sale and Transfer of

18 & 19 Vict.

c. 73.

[Bill 211.]

“ Incumbered

“ Incumbered Estates in Ireland :” And whereas the extended Period within which it should be lawful to make such Applications under said Acts as are mentioned in Section Eleven of said thirdly-recited Act of the Sixteenth and Seventeenth Years of Her Majesty was limited to Three Years from the Twenty-eighth Day of July One thousand eight hundred and fifty-three : And whereas it is expedient that said Period should be further extended, and that the said firstly and thirdly recited Acts of the Twelfth and Thirteenth and of the Sixteenth and Seventeenth Years of Her Majesty should be amended : Be it therefore enacted by the Queen’s most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows :

Period for
Applications
for Sale
further ex-
tended.

I. All such Applications under the said recited Acts or any of them as are mentioned in Section Eleven of the said thirdly-recited Act of the Sixteenth and Seventeenth Years of Her Majesty, and which are by said lastly-recited Act of the Eighteenth and Nineteenth Years of Her Majesty authorized to be made within Three Years from the Twenty-eighth Day of July One thousand eight hundred and fifty-three, may be made within *Four Years* from the said Twenty-eighth Day of July One thousand eight hundred and fifty-three ; and all Orders and Proceedings by the said Acts or any of them authorized, and which might be made, had, or taken upon any Application made within the said Period of Three Years, may be made, had, and taken within the further Period authorized by this Act.

Appeals shall
be of Right.
12 & 13 Vict.
c. 77. ss. 51.
and 52.

II. So much of Section Fifty-one of the said firstly-recited Act of the Twelfth and Thirteenth Years of Her Majesty as provides that an Appeal may be made against any Order of the Commissioners only when the Commissioners allow Appeal is hereby repealed ; and it is hereby enacted that, all such Appeals may be made as of Right, and without the Allowance of the Commissioners.

Incumbered Estates (Ireland).

A

B I L L

To extend the Period for applying for a Sale under the Acts for facilitating the Sale and Transfer of Incumbered Estates in Ireland, and to amend the said Acts.

(Prepared and brought in by
*Mr. Attorney General for Ireland and
Mr. Horsman.*)

*Ordered, by The House of Commons, to be Printed,
27 June 1856.*

[BIL 211.]

Under 1 oz.



A

B I L L

TO

Indemnify such Persons in the United Kingdom as have omitted to qualify themselves for Offices and Employments, and to extend the Time limited for those Purposes respectively.

WHEREAS divers Persons who, on account of their Offices, Preamble.
Places, Employments, or Professions, or any other Cause
or Occasion, ought to have taken and subscribed the Oaths
or Assurance respectively appointed to be by such Persons taken and
5 subscribed in and by an Act of the First Year of King George the 1 G. 1. st. 2.
c. 13.
First, Statute Two, Chapter Thirteen; or to have qualified themselves
according to an Act of the Thirteenth Year of King Charles the 13 C. 2. st. 2.
c. 1.
Second, Statute Two, Chapter One; or according to an Act of the
Twenty-fifth Year of King Charles the Second, Chapter Two; or ac- 25 C. 2. c. 2.
10 cording to an Act of the Thirtieth Year of King Charles the Second, 30 C. 2. st. 2.
Statute Two; or according to an Act of the Eighth Year of King 8 G. 1. c. 6.
George the First, Chapter Six; or according to an Act of the Ninth 9 G. 2. c. 26.
Year of King George the Second, Chapter Twenty-six; or according 18 G. 2. c. 20.
15 to an Act of the Eighteenth Year of King George the Second, Chapter 6 G. 3. c. 53.
Twenty; or according to an Act of the Sixth Year of King George the 9 G. 4. c. 17.
Third, Chapter Fifty-three; or according to an Act of the Ninth Year 10 G. 4. c. 7.
of King George the Fourth, Chapter Seventeen; or according to an
Act of the Tenth Year of King George the Fourth, Chapter Seven, so
far only as the said Act relates to any Civil or Military Offices, or Places
20 of Trust, or Places of Profit, or Corporate Offices, have, through
Ignorance of the Law, Absence, or some unavoidable Accident,
omitted to take and subscribe the Oaths and Assurance and make
and subscribe the Declaration required by the said recited Acts or
either of them, or otherwise to qualify themselves as aforesaid,
25 within such Time and in such Manner as in and by the said Acts
respectively is required, whereby they have incurred, or may be in
danger of incurring, divers Penalties and Disabilities: For quieting
the Minds of Her Majesty's Subjects, and for preventing any Incon-
venience that might otherwise happen by means of such Omissions,
[Bill 234.] A be

be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows :

Persons who have omitted to qualify themselves as required by the recited Acts indemnified, and allowed further Time.

I. All and every Person or Persons who, at or before the *passing* 5
of this Act, hath or shall have omitted to take and subscribe the
 Oaths and Declarations, or otherwise to qualify him, her, or them-
 selves, within such Time and in such Manner as in and by the
 said Acts or any of them is required, and who, after accepting any
 such Office, Place, or Employment, or undertaking any Profession 10
 or Thing, on account of which such Qualification ought to have
 been had and is required, before the *passing of this Act*, hath or
 have taken and subscribed the said Oaths or made the Decla-
 rations required by Law, or who, on or before the *Twenty-fifth Day* 15
of March One thousand eight hundred and fifty-seven, or if Parlia-
 ment be then sitting before the End of the then Session of Parliament,
 shall take and subscribe the Oaths, Declarations, and Assurance
 respectively, in such Cases wherein by the said several Acts or any or
 either of them the said Oaths, Declarations, and Assurance ought to
 have been taken and subscribed, in such Manner and Form, and at or 20
 in such Place or Places, as are appointed in and by the said several
 Acts or any or either of them, shall be and are hereby indemnified,
 freed, and discharged from and against all Penalties, Forfeitures, In-
 capacities, and Disabilities incurred or to be incurred for or by
 reason of any Neglect or Omission, previous to the *passing of this* 25
Act, of taking or subscribing the said Oaths or Assurance, or making
 or subscribing the said Declarations respectively, or taking or sub-
 scribing the Oath, according to the above-mentioned Acts or any of
 them, or any other Act or Acts ; and such Person or Persons is and
 are and shall be fully and actually recapacitated and restored to the 30
 same State and Condition as he, she, or they were in before such
 Neglect or Omission, and shall be and be deemed and adjudged to
 have duly qualified him, her, or themselves, according to the above-
 mentioned Acts and every of them ; and all Elections of, and Acts
 done or to be done by, any such Person or Persons, or by Authority 35
 derived from him, her, or them, are and shall be of the same Force
 and Validity as the same or any of them would have been if such
 Person or Persons respectively had taken the said Oaths or Assu-
 rance, and made and subscribed the said Declarations respectively,
 and taken and subscribed the said Oath, according to the Directions 40
 of the said Acts and every or any of them ; and the Qualification
 of such Person or Persons qualifying themselves in manner and
 within the Time appointed by this Act shall be to all Intents and
 Purposes as effectual as if such Person or Persons had respectively
 taken the said Oaths and Assurance, and made and subscribed the 45
 said Declarations respectively, and taken and subscribed the said
 Oath, within the Time and in the Manner appointed by the several
 Acts before mentioned.

Indemnity to those who have omitted to make and subscribe the Oath and Declaration

II. And whereas several Persons well affected to Her Majesty's Government, and to the United Church of England and Ireland, 50
 have, through Ignorance of the Law, neglected, or been, by Sickness
 or other unavoidable Causes, prevented from taking and subscribing
 the Oaths and Declaration according to the Directions of an Act passed
 in

in the Parliament of Ireland in the Second Year of Queen Anne, intituled "An Act to prevent the further Growth of Popery:"

required by
the Irish Act,
2 Anne, c. 6.

All Persons who have incurred any Penalty or Incapacity in the said recited Act mentioned, by neglecting to qualify themselves according to the said Act, shall be and are hereby indemnified, freed, and discharged from all Incapacities, Disabilities, Penalties, and Forfeitures incurred by reason of such Omission or Neglect as aforesaid; and no Act done by any of them, not yet avoided, shall be questioned or avoided by reason of such Omission or Neglect, but all such Acts shall be and are hereby declared to be as good and effectual as if such Persons respectively had taken and subscribed the said Oath, and made and repeated and subscribed the said Declaration, at such Time and Place and Manner as in the said Act is mentioned, anything in the said Act to the contrary notwithstanding: Provided always, that such Person or Persons do and shall take and subscribe the said Oaths, and make, repeat, and subscribe the said Declaration, in such Manner and Form and in such Place or Places respectively as are directed and appointed by the said last-recited Act, on or before the *Twenty-fifth Day of March One thousand eight hundred and fifty-seven*, or if Parliament be then sitting before the End of the then Session of Parliament.

III. Provided always, That this Act, or anything herein contained, shall not extend or be construed to extend to indemnify any Person against whom final Judgment shall have been given in any Action of Debt, Bill, Plaint, or Information in any of Her Majesty's Courts of Record, for any Penalty incurred by having neglected to qualify himself within the Time limited by Law.

Not to indemnify Persons against whom final Judgment has been given.

IV. Provided also, That nothing contained in this Act shall extend or be construed to extend to exempt any Justice of the Peace within Great Britain from the Penalties to which he is subject for acting as such without being possessed of the Qualification required by the Laws now in force.

Not to exempt Justices acting without legal Qualification.

V. And whereas the Appointment of divers Clerks of the Peace, Town Clerks, and other public Officers, and the Admission of divers Members and Officers of Cities, Corporations, and Borough Towns, in Great Britain and Ireland, or the Entries of such Admissions in the Court Books, Rolls, or Records of such Cities, Corporations, and Borough Towns, which by several Acts are directed and required to be stamped, may not have been provided, or the same not stamped, or may have been lost or mislaid:

Admissions to Corporations may be stamped after the Time allowed.

For the Relief of such Persons whose Appointments and Admissions or the Entries of whose Admissions as aforesaid may not have been provided, or not duly stamped, or where the same have been lost or mislaid, it shall and may be lawful to and for such Persons in Great Britain or Ireland, on or before the *Twenty-fifth Day of March One thousand eight hundred and fifty-seven*, or if Parliament be then sitting before the End of the then Session of Parliament, to provide or cause to be provided Appointments and Admissions, or Entries of Admissions, as aforesaid, duly stamped, or in case where such Appointments, Admissions, or Entries of Admissions as aforesaid have been made or provided, but have not been duly stamped, to produce such Appointments, Admissions, or Entries of Admissions as aforesaid

to the Commissioners of Inland Revenue, to be duly stamped, which such Commissioners are hereby authorized and empowered and required to duly stamp, on Payment of *double* the Amount of the Duties first payable or to have been paid on such Appointments, Admissions, or Entries as aforesaid, without any other Fine or Forfeiture thereon; and in order to denote the said Duties the said Commissioners are hereby authorized and empowered to use such Stamps as shall have been heretofore provided to denote any former Duties on stamped Vellum, Parchment, and Paper, or to cause new Stamps to be provided for that Purpose, and to do all other Things necessary for putting this Act in execution, in the like and in as full and ample Manner as they or the major Part of them are authorized to put in execution any former Law concerning stamped Vellum, Parchment, and Paper; and such Persons so providing Appointments, Admissions, or Entries of Admissions as aforesaid, duly stamped, or procuring the same to be duly stamped in manner aforesaid, are and shall be hereby confirmed and qualified to act as Clerk of the Peace, Town Clerk, and other public Officer, or Member or Members, Officer or Officers of such Cities, Corporations, and Borough Towns respectively, to all Intents and Purposes, and shall and may hold and enjoy and execute such Office, or any other Office or Offices into which he or they hath or have been elected, notwithstanding his or their Omission, or the Omission of any of their Predecessors in such Cities, Corporations, or Borough Towns as aforesaid, and shall be indemnified and discharged of and from all Incapacities, Disabilities, Forfeitures, Penalties, and Damages by reason of any such Omission; and none of his or their Acts shall be questioned or avoided by reason of the same.

Not to restore Persons to any Office avoided by Judgment.

VI. Provided always, That this Act or anything herein contained shall not extend or be construed to extend to restore or entitle any Person or Persons to any Office or Employment, Benefice, Matter, or Thing whatsoever, already actually avoided by Judgment of any of Her Majesty's Courts of Record already legally filled up and enjoyed by any other Person, but such Office or Employment, Benefice, Matter, or Thing, so avoided or legally filled up and enjoyed, shall be and remain in and to the Person or Persons who is or are now or shall at the passing of this Act be legally entitled to the same, as if this Act had never been passed.

General Issue.

VII. In case any Action, Suit, Bill of Indictment, or Information shall after the *passing of this Act* be brought, carried on, or prosecuted against any Person or Persons hereby meant or intended to be indemnified, recapacitated, or restored, for or on account of any Forfeiture, Penalty, Incapacity, or Disability whatsoever incurred or to be incurred by any such Neglect or Omission, such Person or Persons may plead the General Issue, and upon their Defence give this Act and the special Matter in Evidence upon any Trial to be had thereupon.

Indemnity.

A

B I L L

To indemnify such Persons in the United Kingdom as have omitted to qualify themselves for Offices and Employments, and to extend the Time limited for those Purposes respectively.

(*Prepared and brought in by
Mr. Massey and Sir George Grey.*)

*Ordered, by The House of Commons, to be Printed,
9 July 1856.*

[Bill 234.]

Under 1 oz.

5 May 1856. 19 VICT.



A

BILL

TO

Amend an Act of the Seventeenth and Eighteenth
Years of Her present Majesty relating to Indus-
trial and Provident Societies.

WHEREAS by an Act passed in the Seventeenth and Eighteenth Years of Her Majesty, Chapter Twenty-five, intituled "An Act to amend the Industrial and Provident Societies Act, 1852," Provision is made for the better Conduct of legal Proceedings in Matters concerning Societies constituted under the said Act: And whereas Doubts have arisen whether such Provisions apply to Societies so constituted after the passing of the Seventeenth and Eighteenth Victoria, Chapter Twenty-five, and it is expedient that such Doubts should be removed, and that the said Act should be otherwise explained: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

I. The Act passed in the Seventeenth and Eighteenth Years of Her Majesty, intituled "An Act to amend the Industrial and Provident Societies Act, 1852," shall apply to all Societies which at the Time of the *passing of this Act* are or thereafter may be constituted under the Industrial and Provident Societies Act, 1852.

[Bill 127.]

II. The

17 & 18 Vict
to apply to
all Industrial
or Provident
Societies.

Time for
Appoint-
ment of
Officers to
sue and be
sued.

II. The Time fixed by the Second Section of the Seventeenth and Eighteenth Victoria, Chapter Twenty-five, for the Appointment of Officers to sue and be sued by any such Society shall be extended, in the Case of any Societies so constituted at the passing of this Act, for which such Officers are not then appointed, to *One Calendar* 5
Month after the passing of this Act, and in the Case of any Society to be constituted after the Act is passed, to *One Calendar Month* after the Date of Certificate of Registration of such Society.

Appoint-
ment made
by Trustees
confirmed.

III. Any Appointment already made by the Trustees of any Society constituted after the passing of the Seventeenth and Eighteenth 10
Victoria, Chapter Twenty-five, of any Member thereof as an Officer to sue and be sued, of which a Return has been made, as is required by the said Act, shall be taken to have been duly made under the Second Section thereof.

Power of
removing
Officers.

IV. The Right of Removal given by the Second Section of the 15
said Act shall apply to any such Officer appointed thereunder by the Trustees of any Society constituted under the Industrial and Provident Societies Act, 1852, as fully as if he had been appointed by such Society.

Industrial and Provident Societies.

A

B I L L

To amend an Act of the Seventeenth
and Eighteenth Years of Her present
Majesty relating to Industrial and
Provident Societies.

(Prepared and brought in by
Viscount Goderich and Mr. Sotherton Esquire.)

*Ordered, by The House of Commons, to be Printed,
5 May 1856.*

[Bill 127.]

Under 1 oz.

6 June 1856. 19 VICT.



A

B I L L

TO

Continue the Act for extending for a limited Time
the Provision for Abatement of Income Tax in
respect of Insurance on Lives.

WHEREAS an Act was passed in the Session of Parliament Preamble.
holden in the Sixteenth and Seventeenth Years of Her
Majesty's Reign, Chapter Ninety-one, intituled "An Act 16 & 17 Vict.
" to extend for a limited Time the Provision for Abatement of In- c. 91.
5 " come Tax in respect of Insurance on Lives," and was limited to
continue in force until the Fifth Day of July One thousand eight
hundred and fifty-four: And whereas, by certain other Acts subse-
quently passed, and more especially by an Act passed in the last 18 & 19 Vict.
Session of Parliament, Chapter Thirty-five, the said first-mentioned c. 35.
10 Act has been amended and extended, and now stands limited to con-
tinue in force until the Fifth Day of July One thousand eight hundred
and fifty-six, and it is expedient further to continue the same so
amended for such Period as herein-after mentioned: Be it therefore
enacted by the Queen's most Excellent Majesty, by and with the
15 Advice and Consent of the Lords Spiritual and Temporal, and Com-
mons, in this present Parliament assembled, and by the Authority of
the same, as follows:

[Bill 166.]

I. The

2 *Insurance on Lives (Abatement of Income Tax) Continuance.*

Act
16 & 17 Vict.
c. 91, con-
tinued until
5th July
1856.

I. The said first-mentioned Act so amended as aforesaid shall be and the same is hereby continued in force until *and upon the Fifth Day of July One thousand eight hundred and fifty-seven.*

Insurance on Lives (Abatement
of Income Tax) Continuance.

A

B I L L

To continue the Act for extending for a
limited Time the Provision for Abate-
ment of Income Tax in respect of
Insurance on Lives.

(Prepared and brought in by
Mr. Wilson and the Chancellor of the Exchequer.)

Ordered, by The House of Commons, to be Printed,
6 June 1856.

[Bill 166.]

Under 1 oz.



A

B I L L

FOR

The uniform Administration of Intestates Estates.

WHEREAS it is expedient that throughout England and Wales One uniform Rule should prevail concerning the Distribution of the Personal Estate of Persons dying intestate: Be it enacted by the Queen's most Excellent Majesty, by **5** and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows :

10 I. That the special Customs concerning the Distribution of the Personal Estate of Intestates observed in the City of London, the Province of York, and certain other Places, shall, with reference to all Persons dying on or after the First Day of January One thousand eight hundred and fifty-seven, wholly cease and determine, and the Distribution of the Personal Estate of all Persons so dying shall take place as if such Customs had never **15** existed, and as if the Rules for the Distribution of the Personal Estate of Intestates generally prevalent in the Province of Canterbury had prevailed throughout England and Wales, any Law or Statute to the contrary notwithstanding.

Special Customs concerning the Distribution of Personal Estates of Intestates in certain Places to cease.

Intestates Personal Estates.

A

B I L L

For the uniform Administration of
Intestates Estates.

(Prepared and brought in by
Mr. Locke King and Mr. Headlam.)

Ordered, by The House of Commons, to be Printed,
20 June 1856.

[Bill 193.]
Under 1 oz.

3 April 1856. 19 VICT.



A

B I L L

TO

Amend the Law with respect to the Election of Directors of Joint Stock Banks in England.

WHEREAS by the Act of the Seventh and Eighth Years of the Queen, Chapter One hundred and thirteen, it is enacted, that the Deed of Partnership of every Banking Company to be established under that Act shall contain a specific Provision for the Retirement of at least One Fourth of the Directors yearly, and for preventing the Re-election of the retiring Directors for at least Twelve Calendar Months: And whereas it is expedient that so much of the said Enactment as relates to the Re-election of such retiring Directors should be repealed: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows; that is to say,

I. It shall not be necessary in the Deed of Partnership of any Banking Company established after the *passing of this Act* to insert any Provision for preventing the Re-election of retiring Directors, either absolutely or for any limited Period.

Preamble.
7 & 8 Vict.
c. 113. s. 4.

Repeal of so
much of
Sect. 4. of
7 & 8 Vict.
c. 113. as
renders re-
tiring Di-
rectors in-
eligible for
a Year.

Provision for
existing
Banking
or

II. In every Banking Company already established under the Provisions of the said recited Act, and whose Deed of Partnership

[Bill 82.]

Companies
established
under that
Act.

or Settlement contains a Provision in accordance with the Enactment herein-before repealed, the Directors retiring at any General Meeting after the *passing of this Act* shall and may, if duly qualified in other respects, be immediately eligible for Re-election, anything in the Deed of Partnership of such Company contained to the contrary notwithstanding. 5

Joint Stock Banks.

A

B I L L

To amend the Law with respect to the
Election of Directors of Joint Stock
Banks in England.

(Prepared and brought in by
Sir John Shelley, Mr. Hobditch, and
Captain Leicester Vernon.)

*Ordered, by The House of Commons, to be Printed,
3 April 1856.*

[Bill 82.]

Under 1 oz.

11 February 1856. 19 VICT.



(Scotland.)

A

B I L L

TO

Extend the Period for which Her Majesty may grant Letters Patent of Incorporation to Joint Stock Banks in Scotland existing before the Act of One thousand eight hundred and forty-six.

WHEREAS, under the Provisions of the Act of the Ninth Preamble. and Tenth Years of Her present Majesty, Chapter Seventy-five, (whereby the Act of the Seventh and Eighth Years of Her Majesty, Chapter One hundred and thirteen, was extended to 5 Joint Stock Banks in Scotland,) Her Majesty, with the Advice of Her Privy Council, is empowered to grant Letters Patent of Incorporation to any Company of more than Six Persons who were carrying on the Business of Bankers in Scotland on or before the Ninth Day of August One thousand eight hundred and forty-five, upon the Terms 10 and in manner in the said Acts mentioned or referred to, but only for a Term of Years not exceeding Twenty Years: And whereas it is expedient that Her Majesty should be empowered in certain Cases to grant such Letters Patent of Incorporation for a longer Period: Now be it enacted by the Queen's most Excellent Majesty, by and with 15 the Advice and Consent of the Lords Spiritual and Temporal, and [Bill 27.] Commons,

Commons, in this present Parliament assembled, and by the Authority of the same, as follows :

Extending
Period for
which Her
Majesty may
grant Letters
Patent of
Incorporation
to
certain Joint
Stock Banks
in Scotland.

I. That, notwithstanding anything in the said Acts contained, it shall be lawful for Her Majesty to grant Letters Patent of Incorporation under the said Acts to any Company of more than *Six* 5 Persons in Scotland who were carrying on the Business of Bankers before the said Ninth Day of August One thousand eight hundred and forty-five, either for a Term of Years or in perpetuity, but so that the same shall be liable to be dealt with by or under the Provisions of any future Acts of Parliament in every respect as if this Act had 10 not been passed.

Joint Stock Banks (Scotland).

A

B I L L

To extend the Period for which Her Majesty may grant Letters Patent of Incorporation to Joint Stock Banks in Scotland existing before the Act of One thousand eight hundred and forty-six.

(*Prepared and brought in by
Mr. Wilson and the Chancellor of the Exchequer.*)

*Ordered, by The House of Commons, to be Printed,
11 February 1856.*

[Bill 27.]

Under 1 oz.

Joint Stock Companies Bill.

ARRANGEMENT OF CLAUSES.

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PART I.

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12.	Stamp on Memorandum of Association and Articles of Association and use of printed Copies - - - -	
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[Bill 2.]

Sect.

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Sect.

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1 February 1856. 19 VICT.



A

B I L L

FOR

The Incorporation and Regulation of Joint Stock Companies and other Associations.

WHEREAS it is expedient that the Law relating to the Preamble.
Incorporation and Regulation of Joint Stock Companies
and other Associations should be consolidated and amended:
Be it therefore enacted by the Queen's most Excellent Majesty, by
5 and with the Advice and Consent of the Lords Spiritual and Tem-
poral, and Commons, in this present Parliament assembled, and by the
Authority of the same, as follows:

I. This Act may be cited for all Purposes as "The Joint Stock Short Title
Companies Act, 1856." of Act.

10 II. This Act shall not apply to Scotland.

Act not to
apply to
Scotland.

PART I.

CONSTITUTION AND INCORPORATION OF COMPANIES AND ASSOCIATIONS.

Registry.

15 III. This Act shall not apply to Persons associated together for the
Purpose of Banking or Insurance.

Exemption
of Banking
and Insur-
ance Com-
panies.

[Bill 2.]

A

IV. *Seven*

2 *Joint Stock Companies. (Part I. Constitution, &c.)*

Company
formed by
Memoran-
dum of
Association
and Regis-
tration.

IV. *Seven* or more Persons, associated for any lawful Purpose, may, by subscribing their Names to a Memorandum of Association, and otherwise complying with the Requisitions of this Act in respect of Registration, form themselves into an Incorporated Company, with or without Limited Liability.

5

Prohibition
on Trading
Associations
exceeding
a certain
Number.

V. Not more than *Twenty* Persons shall associate together for carrying on any Trade or Business having Gain for its Object, unless they are registered as a Company under this Act, or are authorized so to associate together by some other Act of Parliament or by Royal Charter, and if any Persons associate together contrary to this 10 Provision, every Person so associating shall be severally liable for the whole Debts of the Association, and may be sued therefor without joining any other Members of the Association.

Matters
required to
be prescribed
by Memo-
randum of
Association.

VI. The Memorandum of Association shall prescribe the following Things; (that is to say,)

15

1. The Name of the proposed Company ;
2. The Objects for which the proposed Company is to be established ;
3. The Liability of the Shareholders, whether it is to be limited or unlimited ;
4. The Amount of the nominal Capital of the proposed Company ; 20
5. The Number of Shares into which such Capital is to be divided, and the Amount of each Share ; subject to the following Restriction :

That in the Case of a Company formed with Limited Liability, and herein-after called a Limited Company, the Word "*Limited*" 25 is to be the last Word in the Name of the Company.

Prohibition
as to Name
of Compa-
nies.

VII. No Company shall be registered under a Name identical with that by which a subsisting Company is already registered, or so nearly resembling the same as to be calculated to deceive.

Form of Me-
morandum of
Association.

VIII. The Memorandum of Association shall be in the Form 30 marked A. in the Schedule hereto, or as near thereto as Circumstances admit, and it shall, when registered, bind the Company to the same Extent as if every Shareholder therein had subscribed his Name and affixed his Seal thereto, and there were in such Memorandum contained on the Part of Himself, his Heirs, Executors, and Administrators, a 35 Covenant to conform to all the Regulations of such Memorandum, subject to the Provisions of this Act.

Shares to be
taken by
Subscribers
of Memo-
randum of
Association.

IX. Every Subscriber of the Memorandum of Association shall take *One Share* at the least in the Company : The Number of Shares taken by each Subscriber shall be set opposite his Name in such 40 Memorandum

Memorandum of Association, and upon the Incorporation of the Company he shall be entered in the Register of Shareholders hereinafter mentioned as a Shareholder to the Extent of the Shares he has taken.

- 5 X. The Memorandum of Association may be accompanied by Articles of Association may prescribe By-laws.
or have annexed thereto or endorsed thereon Articles of Association, signed by the Subscribers to the Memorandum of Association, and prescribing Regulations for the Company; but if no such Regulations are prescribed, or so far as the same do not extend to modify
10 the Regulations contained in the Table marked B. in the Schedule hereto, such last-mentioned Regulations shall, so far as the same are applicable, be deemed to be the Regulations of the Company, and shall be binding thereon in the same Manner and to the same Extent as if they had been inserted in Articles of Association, and such
15 Articles had been registered: Any Regulation contained in the Articles of Association inconsistent with any of the Provisions of this Act shall be void.

- XI. The Articles of Association shall be in the Form of the Articles of Association appearing in the Table marked C. in the
20 Schedule hereto, or as near thereto as Circumstances admit: They shall, when registered, bind the Company and the Shareholders therein to the same Extent as if each Shareholder had subscribed his Name and affixed his Seal thereto, and there were in such Articles contained, on the Part of himself, his Heirs, Executors, and
25 Administrators, a Covenant to obey all the Regulations of such Articles, subject to the Provisions of this Act.

- XII. *The Memorandum of Association and the Articles of Association shall respectively bear the same Stamps as if they were Deeds:* Any Person signing a printed Copy of the Memorandum
30 of Association or Articles of Association shall be deemed to have signed such Memorandum and Articles respectively, and where the proper Stamp has been duly fixed on such Memorandum of Association or Articles of Association it shall not be necessary to stamp any printed Copy so signed: The Execution by any Person of the
35 Memorandum of Association or Articles of Association shall be attested by One Witness at the least.

- XIII. The Memorandum of Association and Articles of Association shall be registered by the Registrar of Companies. There shall be charged in respect of Registration the Fees mentioned in
40 the Table marked D. in the Schedule hereto, or such other Fees as the Board of Trade may from Time to Time direct; and all Fees

4 *Joint Stock Companies. (Part I. Constitution, &c.)*

so charged shall be paid into the Receipt of Her Majesty's Exchequer at Westminster, and be carried to the Account of the Consolidated Fund of the United Kingdom of Great Britain and Ireland.

Effect of
Registration.

XIV. Upon any such Memorandum of Association, either with or without Articles of Association as aforesaid, being registered, the Registrar shall certify under his Hand that the Company is incorporated, and in the Case of a Limited Company that the Company is limited: The Subscribers of the Memorandum of Association, together with such other Persons as may from Time to Time become Shareholders in the Company, shall thereupon be a Body Corporate by the Name prescribed in the Memorandum of Association, having a perpetual Succession and a Common Seal, with Power to hold Lands; but with such pecuniary Liability on the Part of the Shareholders as is herein-after mentioned: The Certificate of Incorporation given by the Registrar shall be conclusive Evidence that all the Requisitions of this Act in respect of Registration have been complied with; and the Date of such Certificate shall be deemed to be the Date of the Incorporation of the Company or Association.

Power of
Subscribers
to issue
Shares.

XV. As soon as a Certificate of Incorporation has been granted, the Subscribers may issue Certificates of Shares to themselves and to other Persons to whom Shares may be allotted: The Shares so issued shall be Personal Estate, and shall not be of the Nature of Real Estate: And each Share shall be distinguished by its appropriate Number.

Register of Shareholders.

25

Manner of
keeping
Register of
Share-
holders.

XVI. Every Company registered under this Act, herein-after referred to as "The Company," shall cause to be kept in One or more Books, as may be most convenient, a Register of Shareholders, and there shall be entered therein the following Particulars:

- (1.) The Names and Addresses of the Shareholders in the Company and the Shares held by them: 30
- (2.) The Amount paid on the Shares of each Shareholder:
- (3.) The Date at which the Name of any Person was entered in the Register as a Shareholder:
- (4.) The Date at which any Person ceased to be Shareholder in respect of any Share. 35

Annual List
to be made
of them-
selves.

XVII. Once at the least in every Year a List shall be made of all Persons who, on a given Day in such Year, are Holders of Shares in the Company, or have, during the Year immediately preceding such Day, held any Shares therein; and such List shall state the Names, Addresses, and Occupations of all the Persons therein mentioned, 40

mentioned, and the Number of Shares held by each of them, and shall contain a Summary specifying the following Particulars:

- (1.) The Amount of the nominal Capital of the Company, and the Number of Shares into which it is divided:
- 5 (2.) The Number of Shares taken from the Commencement of the Company up to the Date of the Summary:
- (3.) The Amount of Calls made on each Share:
- (4.) The total Amount of Calls that have been received:
- (5.) The total Amount of Calls unpaid.
- 10 The above List and Summary shall be contained in a separate Part of the Register, and may be in the Form marked E. in the Schedule hereto.

- XVIII. If any Company makes default in keeping a Register of Shareholders, in compliance with the foregoing Rules, such Company shall incur a Penalty not exceeding *Five Pounds* for every Day during which such Default continues.
- Penalty on Company not keeping a proper Register.

- XIX. No Notice of any Trust, express or implied or constructive, shall be entered on the Register or receivable by the Company; and every Person who has accepted any Share in a Company, and whose Name is entered in the Register of Shareholders, and no other Person (except a Subscriber to the Memorandum of Association in respect of the Shares subscribed for by him) shall for the Purposes of this Act be deemed to be a Shareholder.
- Definition of Shareholder.

- XX. The Transfer of any Share in the Company shall be by Deed duly stamped, in which the pecuniary Consideration, if any, shall be truly stated: Such Deed shall be executed both by the Transferror and Transferree: The Transferror shall be deemed to remain a Holder of such Share until the Name of the Transferree is entered in the Register Book in respect thereof.
- Transfer of Shares.

- XXI. On the Presentation of any Transfer duly executed, the Company shall forthwith cause the Name of the Transferree to be entered in the Register together with the Date of the Entry so made.
- Transfer on Presentation to be entered.

- XXII. A Certificate, under the Common Seal of the Company, specifying any Share or Shares held by any Shareholder, shall be prima facie Evidence of the Title of the Shareholder to the Share or Shares therein specified.
- Certificate of Shares.

- XXIII. The Amount of Calls for the Time being unpaid on any Share shall be deemed to be a Specialty Debt due from the Holder of such Share to the Company.
- Calls to be a Specialty Debt.

Inspection
of Register
of Share-
holders.

XXIV. The Register of Shareholders shall be kept at such principal Office of the Company as is herein-after mentioned; except when closed as herein-after mentioned, it shall at all Times during Business Hours, but subject to such reasonable Restrictions as the Company may impose, be open to the Inspection of any Shareholder gratis, and 5 to the Inspection of any other Person on the Payment of *One Shilling*, or such less Sum as the Company may prescribe for each Inspection, and any Person inspecting such Register may make Extracts therefrom; if such Inspection is refused, the Company shall incur for each Refusal a Penalty not exceeding *Two Pounds*, and a further 10 Penalty of *Two Pounds* for every Day during which such Refusal continues.

Power to
close Regis-
ter of Share-
holders.

XXV. The Company may, upon giving Notice by Advertisement in some Newspaper circulating in the District in which the principal Office of the Company is situated, close the Register of Shareholders 15 for any Time or Times not exceeding on the whole *Twenty-one Days* on each Year, and the Right to register any Transfer that may be made at a Time when the Transfer Books are closed shall, for the Purposes of this Act, be deemed to have accrued immediately upon the Expiration of such Time of closing. 20

Remedy for
improper
Entry or
Omission of
Entry in
Register.

XXVI. If the Name of any Person is improperly entered or omitted to be entered, erased or omitted to be erased, in or from the Register of Shareholders, he may, by Motion in any of Her Majesty's Superior Courts of Law or Equity, apply to such Court for an Order that the Register may be rectified, and the Court, if satisfied of the 25 Fact, may make an Order accordingly, and may direct the Company to pay all the Costs of such Motion, and any Damages the Party aggrieved may have sustained; but no such Order shall be made unless Notice of such intended Motion has been served on the Company. 30

Register to
be Evidence.

XXVII. The Register of Shareholders shall be Evidence of any Matters hereby directed or authorized to be inserted therein.

Copy of Me-
morandum
of Associa-
and Articles
of Associa-
tion to be
given to
Share-
holders.

XXVIII. Copies of the Memorandum of Association and Articles of Association shall be forwarded to every Shareholder, at his Request, on Payment of the Sum of *One Shilling* for each Copy, or such other 35 less Sum as may be prescribed by the Company.

PART II.

MANAGEMENT AND ADMINISTRATION OF COMPANIES.

General.

XXIX. The Company shall have a principal Office, to which all
5 Communications and Notices may be addressed: If any such Com-
pany carries on Business without having such an Office, they shall
incur a Penalty not exceeding *Five Pounds* for every Day during
which Business is so carried on.

Principal
Office of
Company.

XXX. Notice of the Situation of such Office, and of any Change
10 therein, shall be given to the Registrar of Companies, and recorded by
him: If such Notice is not given the Company shall forfeit *Two*
Pounds for every Day during which any Violation of this Section
continues.

Notice of
Situation of
Office to be
given.

XXXI. Every Limited Company shall paint or affix, and shall
15 keep painted or affixed, its Name on the Outside of every Office
or Place in which the Business of the Company is carried on, in a
conspicuous Position, in Letters easily legible, and shall have its
Name engraven in legible Characters on its Seal, and shall have its
Name mentioned in legible Characters in all Notices, Advertisements,
20 and other official Publications of such Company, and in all Bills of
Exchange, Promissory Notes, Cheques, Orders for Money, Bills of
Parcels, Invoices, Receipts, Letters, and other Writings used in the
Transaction of the Business of the Company.

Regulations
to be ob-
served by a
Limited
Company.

XXXII. If such Company does not paint or affix, and keep
25 painted or affixed, its Name, in manner aforesaid, they shall be
liable to a Penalty not exceeding *Five Pounds* for not so painting
or affixing its Name, and for every Day during which such Name
is not so kept painted or affixed; and if any Officer of the Com-
pany, or any Person on its Behalf, uses any Seal purporting to
30 be a Seal of the Company whereon its Name is not so engraven
as aforesaid, or issues or authorizes the Issue of any Notice,
Advertisement, or other official Publication of such Company, or
of any Bill of Exchange, Promissory Note, Cheque, Order for
Money, Bill of Parcels, Invoice, Receipt, Letter, or other Writing
35 used in the Transaction of the Business of the Company, wherein its
Name is not mentioned in manner aforesaid, he shall be liable to

Penalties to
be inflicted
for Non-
observance.

a Penalty of *Fifty Pounds*, and shall further be personally liable to the Holder of any such Bill of Exchange, Promissory Note, Cheque, or Order for Money, for the Amount thereof, unless the same is duly paid by the Company.

General Meeting of the Company.

XXXIII. A General Meeting of the Company shall be held once 5 at the least in every Year.

Power of Shareholders to alter Memorandum of Association and Articles of Association.

XXXIV. Any Company registered under this Act, and not carrying on a Trade or Business having Gain for its Object, may, and any Company carrying on a Trade or Business having Gain for its Object may, unless prohibited by the Articles of Association, in General 10 Meeting, from Time to Time, by such Special Resolution as is herein-after mentioned, repeal or alter, and make new Provisions in lieu of any Regulations of the Company, whether contained in the Memorandum of Association, Articles of Association, or in the Table marked B. in the Schedule, or repeal or alter any Special Resolution 15 already passed.

Definition of Special Resolution.

XXXV. A Resolution shall be deemed to be a Special Resolution of the Company whenever the same has been passed by *Three Fourths* in Number and Value of such Shareholders of the Company as may be present in Person or by Proxy at any Meeting, of which Notice speci- 20 fying the Intention to propose such Resolution has been duly given, and such Resolution has been confirmed by a Majority of such Shareholders as may be present in Person or by Proxy at a subsequent Meeting, of which due Notice has been given, and held at an Interval of not less than *One Month*, nor more than *Three Months*, from the 25 Date of the Meeting at which such Special Resolution was first passed. Unless a Poll is demanded by at least *Five* Shareholders a Declaration of the Chairman of any such Meeting as aforesaid, that a Special Resolution has been carried, shall be deemed conclusive Evidence of the Fact, without Proof of the Number or 30 Proportion of the Votes recorded in favour or against the same. Notice of any Meeting shall, for the Purposes of this Section, be deemed to be duly given whenever it is given in manner prescribed by the Byelaws of the Company.

Special Resolutions to be registered.

XXXVI. A Copy of any Special Resolution that is passed by any 35 Company shall be forwarded to the Registrar of Companies, and recorded by him: If such Copy is not so forwarded within *Fifteen Days* from the Date of the passing of the Resolution, the Company shall incur a Penalty not exceeding *Two Pounds* for every Day after the Expiration of such *Fifteen Days* during which such Copy is 40 omitted to be forwarded.

XXXVII. A

XXXVII. A Copy of any Special Resolution shall be given to any Shareholder on Payment of *One Shilling*, or of such less Sum as the Company may direct.

Copy of Special Resolution to be given to Shareholders.

XXXVIII. Notice of any Increase in the Capital of a Company shall be given to the Registrar and recorded by him; if such Notice is not given the Company shall incur a Penalty not exceeding *Six Pounds* for every Day during which such Neglect to give Notice continues.

Notice to Registrar of Increase of Capital.

XXXIX. No Company that is not for the Time being carrying on a Trade or Business having Gain for its Object shall be entitled, without the Sanction of the Lords of the Committee of Privy Council appointed for the Consideration of Matters relating to Trade and Foreign Plantations, herein-after called the Board of Trade, to hold more than Two Acres of Land, but the Board of Trade may empower any such Company to hold Lands in such Quantity and subject to such Conditions as they think fit, and may for that Purpose grant a Licence in the Form marked F. in the Schedule hereto.

Prohibition on holding Land.

XL. The Company shall cause Minutes of all Resolutions and of all Proceedings of General Meetings of the Company to be duly entered in Books to be from Time to Time provided for the Purpose, and any Entry so made shall be receivable in Evidence in all legal Proceedings without further Proof, and until the contrary is proved every General Meeting in respect of the Proceedings of which Entries are so made shall be deemed to have been duly held and convened.

Evidence of Proceedings of Meetings.

25 *Legal Instruments of Company.*

XLI. Contracts on behalf of the Company may be made as follows; (that is to say,) Rules as to Contracts.

(1.) Any Contract which if made between private Persons would be by Law required to be in Writing and under Seal may be made on behalf of the Company, in Writing, under the Common Seal of the Company, and such Contract may be in the same Manner varied or discharged:

(2.) Any Contract which if made between private Persons would be by Law required to be in Writing, and signed by the Parties to be charged therewith, may be made on behalf of the Company, in Writing, signed by any Person acting under the express or implied Authority of the Company; and such Contract may in the same Manner be varied or discharged:

[2.]

B

(3.) Any

- (3.) Any Contract which if made between private Persons would by Law be valid, although made by Parol only, and not reduced into Writing, may be made on behalf of the Company by any Person acting under the express or implied Authority of the Company; and such Contract may in the same Way be varied 5 or discharged.

Impression
of Seal.

XLII. An Instrument shall be deemed to be duly sealed with the Company's Seal although the Impression is made on the Paper or other Substance of which the Instrument is composed, and not on Wax or other like Substance.

10

Execution of Deeds.

Power for
Attorney
to execute
Deeds
abroad.

XLIII. The Company may by Instrument under their Common Seal empower any Person, either generally or in respect of any specified Matters, as their Attorney to execute Deeds on their Behalf in any Place not situate in the United Kingdom, and every Deed signed 15 by such Attorney, and under his Seal, shall be binding on the Company to the same Extent as if it were under the Common Seal the Company.

Promissory
Notes and
Bills of
Exchange.

XLIV. A Promissory Note or Bill of Exchange shall be deemed to have been made, accepted, or endorsed on behalf of the Company, 20 if made, accepted, or endorsed in the Name of the Company by any Person acting under the express or implied Authority of the Company.

Mortgages
by Company.

XLV. In any Mortgage made by the Company there shall be implied the following Covenants (unless Words expressly negating such 25 Implication are contained therein); that is to say, a Covenant on the Part of the Company to pay the Money thereby secured, and Interest thereon, at the Time and Rate therein mentioned; a Covenant that they have Power to convey or assure the Property declared to be conveyed or assured to the Mortgagee free from Incumbrances; and 30 a Covenant for further Assurance of such Property, at the Expense of the Company, to the Mortgagee or any Person claiming through, under, or in trust for him; and if a Power of Sale is thereby given such Power shall imply an Authority to sell by Public Auction or Private Contract, altogether or in Parcels, and to make, rescind, or 35 vary Contracts for Sale or Resale without being liable for Loss, and also an Authority to give effectual Receipts for Purchase Monies, and such Mortgage may be in the Form marked G. in the Schedule hereto, or as near thereto as Circumstances admit.

XLVI. In

XLVI. In any Conveyance or Assurance made by the Company there shall be implied (unless Words expressly negating such Implication are contained therein) the following Covenants on the Part of the Company; (that is to say,)

5 A Covenant that, notwithstanding any Act or Default done by the Company, they were at the Time of the Execution of such Conveyance or Assurance seised or possessed of the Lands or Premises thereby conveyed or assured for an indefeasible Estate of Inheritance in Fee Simple, free from Incumbrances occasioned
10 by them, or otherwise for such Estate or Interest as therein expressed to be assured, free from Incumbrances occasioned by them:

A Covenant that the Person to whom such Lands or Premises are conveyed or assured, his Heirs, Successors, Executors, Administrators, and Assigns, (as the Case may be,) shall quietly enjoy the same against the Company and their Successors, and all other Persons claiming under them, and be indemnified and saved harmless by the Company and their Successors from all Incumbrances occasioned by the Company:

20 A Covenant for further Assurance of such Lands, at the Expense of the Person to whom such Lands are conveyed, his Heirs, Successors, Executors, Administrators, or Assigns, (as the Case may be,) by the Company or their Successors, and all other Persons claiming under them.

25 *Accounts.*

XLVII. In the Case of every Company that carries on a Trade or Business having Gain for its Object a Balance Sheet shall be made out in every Year, and laid before a General Meeting of the Company; and such Balance Sheet shall contain a Summary of the Property and Liabilities of the Company, arranged under the Heads
30 appearing in the Form marked H. in the Schedule hereto or as near thereto as Circumstances admit.

Balance Sheet to be made out.

XLVIII. At any Time within *One Month* from the Holding of a General Meeting, before which any Balance Sheet has been laid, any
35 Shareholder may require a Copy thereof to be given to him by the Company, on Payment of such Sum, not exceeding *Sixpence* for every Hundred Words and Figures, as the Company may prescribe.

Shareholders entitled to Copy of Balance Sheet.

XLIX. A Copy of such Balance Sheet, authenticated by the Seal of the Company, shall, within *One Month* after the Preparation
40 thereof, be forwarded to the Registrar of Companies, and registered by him; if it is not so forwarded, the Company shall incur a Penalty not exceeding *Five Pounds* a Day for every Day during which such Violation of this Section continues.

Balance Sheet to be registered.

Examination of Affairs of Company.

Circumstances under which Board of Trade may order Examination of Affairs of Company.

L. Upon the Application of *One Fifth* in Number and Value of the Shareholders of any Company, the Board of Trade may appoint One or more competent Inspectors to examine into the Affairs of the Company, and to report thereon in such Manner as the Board 5 of Trade directs.

Inspection of Books.

LI. It shall be the Duty of all Officers and Agents of the Company to produce their Books for the Examination of the Inspectors, and to facilitate such Examination to the Extent of their Power : Any Inspector may examine the Officers and Agents of the Company 10 in relation to its Business, and it shall be their Duty to answer any Questions proposed to them by the Inspectors : If any Officer or Agent commits any Breach of the Duty hereby imposed on him, he shall incur a Penalty not exceeding *Five Pounds* in respect of each such Breach. 15

Result of Examination how dealt with.

LII. Upon the Conclusion of the Examination the Inspectors shall report their Opinion to the Board of Trade. Such Report shall be written or printed, as the Board of Trade directs. A Copy shall be forwarded by the Board of Trade to the principal Office of the Company, and a further Copy shall, at their Request, be delivered to 20 the Shareholders upon whose Application the Inspection was made, or to any One or more of them. All Expenses of and incidental to any such Examination as aforesaid shall be defrayed by the Shareholders upon whose Application the Inspectors were appointed.

Company may appoint Inspectors.

LIII. The Company in General Meeting may appoint Inspectors 25 for the Purpose of examining into the Affairs of the Company : The Inspectors so appointed shall have the same Powers and perform the same Duties as Inspectors appointed by the Board of Trade, with this Exception, that, instead of making their Report to the Board of Trade, they shall make the same in such Manner 30 and to such Persons as the Company in General Meeting direct.

Copy of Report of Inspectors to be Evidence.

LIV. A Copy of the Report of any Inspectors appointed under this Act, authenticated by the Seal of the Company into whose Affairs they have made Inspection, shall be admissible as Evidence in any legal Proceeding. 35

Notices.

Notice on Company how served.

LV. Any Summons, Notice, Writ, or Proceeding requiring to be served upon the Company may be served by leaving the same, or sending it through the Post addressed to the Company, at their principal Office, or by giving it to any Director, Secretary, or other 40 principal Officer of the Company.

LVI. Notices

LVI. Notices by Letter shall be posted in such Time as to admit of the Letter being delivered in the due Course of Delivery within the Period (if any) prescribed for the giving of such Notice; and in proving such Service it shall be sufficient to prove that such Notice was properly directed, and that it was put into the Post Office.

Rule as to
Notices by
Letter.

LVII. Any Summons, Notice, or Writ, or Proceeding requiring Authentication by the Company may be signed by any Director, Secretary, or other authorized Officer of the Company, and need not be under the Common Seal of the Company, and the same may be in Writing or in Print, or partly in Writing and partly in Print.

Authentica-
tion of
Notices of
Company.

Legal Proceedings.

LVIII. All Offences under this Act made punishable by any Penalty may be prosecuted summarily before Two or more Justices, as to England in manner directed by an Act passed in the Session holden in the Eleventh and Twelfth Years of the Reign of Her Majesty Queen Victoria, Chapter Forty-three, intituled "An Act to facilitate the Performance of the Duties of Justices of the Peace out of Sessions within England and Wales with respect to summary Convictions and Orders," and as to Ireland in the Manner directed by the Act passed in the Session holden in the Fourteenth and Fifteenth Years of the Reign of Her Majesty Queen Victoria, intituled "An Act to consolidate and amend the Acts regulating the Proceedings of Petty Sessions, and the Duties of Justices of the Peace out of Quarter Sessions in Ireland."

Recovery of
Penalties.

LIX. The Justices imposing any Penalty under this Act may direct the whole or any Part thereof to be applied in or towards Payment of the Costs of the Proceedings, or in or towards the rewarding the Person upon whose Information or at whose Suit such Penalty has been recovered; and, subject to such Direction, all Penalties shall be paid into the Receipt of Her Majesty's Exchequer, in such Manner as the Treasury may direct, and shall be carried to and form Part of the Consolidated Fund of the United Kingdom.

Application
of Penalties.

Alteration of Forms.

LX. The Board of Trade may from Time to Time make such Alterations in the Forms and Tables contained in the Schedule hereto as they deem requisite, but they shall, before issuing any altered Form or Letter, give such public Notice as may be necessary for the Purpose of preventing Inconvenience.

Board of
Trade may
alter Forms
in Schedule.

PART III.

WINDING-UP.

Preliminary.

Application
of Part III.
of Act.

LXI. This Part of the Act shall apply to all Companies registered under this Act, and after the *Second Day of November One thousand eight hundred and fifty-six* to all Companies registered under the Act passed in the Eighth Year of the Reign of Her present Majesty, Chapter One hundred and ten, and intituled "An Act for the Registration, Incorporation, and Regulation of Joint Stock Companies."

Definition of
the Court.

LXII. "The Court" shall mean, as respects Companies registered in England, the High Court of Chancery of England, and as respects Companies registered in Ireland, the Court of Chancery of Ireland.

Liability of
present
Share-
holders.

LXIII. In the event of any Company being wound up by the Court or voluntarily the existing Shareholders shall be liable to contribute to the Assets of the Company to an Amount sufficient to pay the Debts of the Company, with this Qualification, that if the Company is limited no Contribution shall be required from any Shareholder exceeding the Amount of Calls, if any, that are unpaid on the Shares held by him.

Liability of
former
Share-
holders in a
Company
other than a
Limited
Company.

LXIV. In the event of any Company other than a Limited Company being wound up by the Court or voluntarily, any Person who has ceased to be a Shareholder, either altogether or in respect of any Share or Shares, within the Period of *Three Years* prior to the Commencement of the winding-up, shall be deemed, for the Purposes of Contribution, to be an existing Holder of such Share or Shares, and shall have in all respects the same Rights, and be subject to the same Liabilities, as if he had not so ceased to be a Shareholder, with this Exception, that he shall not be liable on account of any Share or Shares in respect of any Debt or Engagement of the Company contracted after the Time at which he ceased to be a Holder of such Share or Shares; and such former Shareholder shall be jointly and severally liable with the Transferree of his Shares for the Payment of any Call which may be made in respect of such Shares.

Liability
of former
Shareholders
in a Limited
Company.

LXV. In the event of any Limited Company being wound up by the Court or voluntarily, any Person who has ceased to be a Shareholder, either altogether or in respect of any Share or Shares, within the Period of *One Year* prior to the Commencement of the winding-up, shall be deemed, for the Purposes of Contribution, to be an existing Holder

Holder of such Share or Shares, and shall have in all respects the same Rights and be subject to the same Liabilities as if he had not so ceased to be a Shareholder; and such former Shareholder shall be jointly and severally liable with the Transferree of his Shares for the
5 Payment of any Call which may be made in respect of such Shares.

LXVI. The winding-up shall, if the Company is wound up by the Court, be deemed to commence at the Time of the filing of such Petition as is herein-after required to be presented to the Court; and
10 if the Company is wound up voluntarily, be deemed to commence at the Time of the passing of the first Resolution authorizing such winding-up.

When winding-up of Company to begin.

LXVII. Any existing or former Shareholder hereby made liable to contribute to the Debts of a Company is herein-after called "a Contributory," and any Sums which he is hereby made liable to pay
15 shall be deemed to be Specialty Debts due from him to the Company of which he is Contributory.

Definition of "Contributory," and Nature of his Liability.

LXVIII. Subject to the foregoing Qualification as to the joint and several Liability of a former Shareholder, all Contributories shall in the first instance be equally liable in proportion to their respective
20 Number of Shares, but for the Purpose of ascertaining the Liability of existing and former Shareholders as between themselves the following Rule shall be adopted; (that is to say,)

Rights of Contributories between themselves.

(1.) In the Case of a Company other than a Limited Company every Transferree of Shares shall, in a Degree proportioned
25 to the Shares transferred, indemnify the Transferrer against all existing and future Debts and Engagements of the Company:

(2.) In the Case of a Limited Company every Transferree shall indemnify the Transferrer against all Calls accrued due on
30 the Shares transferred subsequently to the Transfer.

LXIX. All Expenses of and incidental to the winding-up of any Company shall be deemed Debts of the Company, and be payable accordingly.

Expenses of winding up to be deemed Debt of Company.

Winding-up by Court.

35 LXX. A Company may be wound up by the Court under the following Circumstances; (that is to say,)

Circumstances under which Company may be wound up by Court.

(1.) Whenever the Company is unable to pay its Debts; or.

(2.) Whenever such winding-up will be for the Benefit of the Shareholders.

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LXXI. A Com-

Company
when deemed
unable to pay
its Debts.

LXXI. A Company shall be deemed to be unable to pay its Debts,

(1.) Whenever a Creditor to whom the Company is indebted in a Sum exceeding *Fifty Pounds* has served Notice in Writing on the Company requiring them to pay the same, and the Company have for the Space of *Three Weeks* succeeding 5 such Notice neglected to pay such Debt, or to secure or compound for the same to the Satisfaction of the Creditor :

(2.) Whenever Execution issued on a Judgment Decree or Order pronounced by any Court in favour of any Creditor in any Suit or other legal Proceeding instituted by such Creditor 10 against the Company is returned unsatisfied in whole or in part by the Sheriff of the County in which the principal Office of the Company is situate.

Winding-up
when deemed
beneficial to
the Share-
holders.

LXXII. The winding-up of a Company shall be deemed to be beneficial to its Shareholders under the following Circumstances : 15

(1.) Whenever the Company in General Meeting has passed a special Resolution requiring the Company to be wound up by the Court :

(2.) Whenever the Company does not commence or suspends its Business for the Space of a whole Year : 20

(3.) Whenever the Shareholders are reduced in Number to less than *Seven* :

Application
for winding-
up to be by
Petition.

LXXIII. Any Application for the winding-up of a Company shall be by Petition : Such Petition may, in Cases where the Company is unable to pay its Debts, be presented either by a Creditor or 25 a Contributory, but where the Ground alledged for winding-up the Company is that such winding-up will be beneficial to the Shareholders, a Contributory alone is entitled to present the Petition.

Course to be
pursued by
Court on the
Hearing of
the Petition
of a Creditor.

LXXIV. Upon the Hearing of any Petition presented by a Creditor, the Court may make an interlocutory Order directing the Company 30 to be wound up under the Direction of the Court, unless they do, by a Day to be named in the Order, repay to the Creditor all Monies that may have been found to be due to him, together with such Costs as the Court may direct ; or the Court may, if it so thinks fit, on the Hearing of such Petition, make an Order Absolute for winding-up 35 the Company in the first instance, or such other Order as it deems just.

Court may
make an
Order Abso-
lute on
Creditor's
Petition.

LXXV. If at the Time named in the Order such Repayment is not made, the Court may thereupon make an Order Absolute for winding up the Company.

LXXVI. Upon

LXXVI. Upon the Hearing of a Petition presented by a Contributory the Court may direct an Inquiry to be made as to whether it will be beneficial to the Shareholders that the Company should be wound up, and may on a subsequent Day make an Order Absolute directing the Company to be wound-up; or the Court may, if it think fit, on the Hearing of such Petition, make an Order Absolute for winding up the Company in the first instance.

Course to be pursued by Court on Petition of Contributory.

LXXVII. From the Date of the Order Absolute the Business of the Company shall be closed: No Director or other Officer of the Company shall, without the Sanction of the Court, dispose of any of the Property, Effects, or Things in Action of the Company, and no Transfer of any Shares shall be valid without the Sanction of the Court: The Order Absolute shall be reported to the Register of Companies, who shall make a Minute thereof in his Books relating to the Company.

Effect of the Order Absolute.

LXXVIII. As soon as may be after making the Order Absolute, the Court shall cause the Assets of the Company to be collected, and applied in discharge of its Liabilities in a due Course of Administration.

Court to cause Assets to be collected and applied in due Course.

LXXIX. All Books, Accounts, and Documents of the Company, and of the official Liquidators herein-after mentioned, shall, as between the Contributories of the Company, be *prima facie* Evidence of the Truth of all Matters therein contained, and purporting to be therein recorded.

Books of Company to be Evidence.

LXXX. The Court may, at any Time after making the Order Absolute, and before it has ascertained the Sufficiency of the Assets of the Company, or the Debts in respect of which the several Classes, if any, of Contributories are liable, make Calls on all or any of the Contributories, to the Extent of their Liability, for Payment of all or any Sums it deems necessary to satisfy the Debts of the Company, and it may, in making a Call, take into consideration the Probability that some of the Shareholders upon whom the same is made may partly or wholly fail to pay their respective Portion of the same.

Power of Court to make Calls.

LXXXI. All Monies received under the Direction of the Court on account of the Sale or Conversion of any of the Assets of the Company, or in respect of Calls made on any Contributories, or of any other Matter shall be paid into the Bank of England or into the Bank of Ireland (as the Case may be), or any Branch Bank thereof respectively, to the Credit of an Account to be intituled The Account of the particular Company in respect of which such Monies have been received, and no Money standing to such Account

Payment of Money into the Bank.

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shall

shall be paid out by the Bank except upon Cheques signed in such Manner as the Court directs.

Court may
grant Injunction.

LXXXII. The Court may at any Time after the Presentation of a Petition for winding-up, upon the Application by Motion of any Creditor or Contributory, restrain further Proceedings in any Action 5 against the Company, for the Purpose of preventing unnecessary Litigation; it may also, by Notice or Advertisement, require all Creditors to present and prove their Claims within a reasonable Time, and be precluded from the Benefit of any Distribution which may be made before such Claim is proved. 10

Power of
Court to stay
Proceedings.

LXXXIII. The Court may, at any Time after an Order Absolute has been made for winding up a Company, upon the Application of any Creditor or Contributory of the Company, and upon due Proof that all Proceedings in relation to such winding-up ought in Justice to be stayed, make an Order staying the same, either altogether or for 15 a limited Time, on such Terms and subject to such Conditions as it deems fit.

Distribution
of Surplus.

LXXXIV. Upon the Conclusion of the Winding-up of any Company the Court shall distribute amongst the several Persons entitled to receive the same any Surplus that may remain. 20

Official Liquidators.

Appoint-
ment of
Official
Liquidators.

LXXXV. For the Purpose of conducting the Proceedings in winding-up a Company, and assisting the Court therein, the Court may, after requiring due Security appoint such Persons or Person, either provisionally or otherwise, as it thinks fit, to the Office of Official Liquidators; it may from Time to Time remove any Person or Persons so 25 appointed, and fill up any Vacancy occasioned by such Removal or by the Death or Resignation of any such Appointee or Appointees; if One Person only is appointed, he shall be described by the Style of and have all the Powers hereby given to several Liquidators; if more 30 Persons than One are appointed, the Court shall declare whether the Concurrence of all or any One or more of such Persons is required to do any Act hereby required or authorized to be done by the Official Liquidators.

Style and
Duties of
Official
Liquidators.

LXXXVI. The Official Liquidators, whether they consist of One 35 Person or more, shall in all Cases be described by the Style of the Official Liquidators of the particular Company in respect of which they are appointed, and not by their individual Names; they shall take into their Custody all the Property, Effects, and Things in Actions of the Company, and shall perform such Duties in reference to the 40 winding up of the Company as may be imposed upon them by the Court.

LXXXVII. The

LXXXVII. The Official Liquidators shall have Power, with the Sanction of the Court, to do the following Things,— Powers of
Official
Liquidators.

5 To bring or defend any Action, Suit, or Prosecution, or other legal Proceeding, Civil or Criminal, in the Name and on behalf of the Company:

To sell the Real and Personal Property, Effects, and Things in Action of the Company by Public Auction or Private Contract, with Power, if they think fit, to transfer the whole thereof to any particular Person or Persons, or to sell the same in Parcels:

10 To execute in the Name and on behalf of the Company all Deeds, Receipts, and other Documents they may think necessary, and for that Purpose to use the Company's Seal:

To refer Disputes to Arbitration, and compromise any Debts or Claim:

15 To prove in the Matter of the Bankruptcy or Insolvency of any Contributory for any Balance against the Estate of such Contributory, and to take and receive Dividends in respect of such Balance in the Matter of Bankruptcy or Insolvency as a separate Debt due from such Bankrupt or Insolvent, and rateably with the other separate
20 Creditors:

To draw, accept, make, and endorse any Bill of Exchange or Promissory Note, and also to raise upon the Security of the Assets of the Company from Time to Time any requisite Sum or Sums of Money; and the drawing, accepting, making or
25 endorsing of every such Bill of Exchange or Promissory Note as aforesaid on behalf of the Company shall have the same Effect with respect to the Liability of such Company as if such Bill or Note had been drawn, accepted, made, or endorsed by such Company in the Course of carrying on the Business thereof:

30 To do and execute all such other Things as may be necessary for winding up the Affairs of the Company and distributing its Assets.

LXXXVIII. The Official Liquidators, with the Sanction of the Court, may appoint a Solicitor and such Clerks or Officers as may be necessary to them in the Performance of their Duties; there shall be paid
35 to such Solicitor, Clerks, and Officers such Remuneration by way of Per-centage or otherwise as the Court directs. Appoint-
ment of
Solicitor by
Official
Liquidators.

LXXXIX. There shall be made to the Official Liquidators such Salary or Percentage by way of Remuneration as the Court may from Time to Time direct, not exceeding the Scale hereinafter mentioned;
40 that is to say, Remunera-
tion of
Official Li-
quidators.

In respect of all Monies not exceeding One hundred thousand Pounds arising from the Estate of such Company, received by
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the Official Liquidators, and paid or divided among the Creditors or Contributories of the same under the Provisions of this Act, *Five Pounds* per Cent. :

In respect of all Monies exceeding One hundred thousand Pounds but not exceeding Two hundred thousand Pounds, *Four Pounds* 5 per Cent. :

And in respect of all further Monies so divided which shall exceed Two hundred thousand Pounds, *Three Pounds* per Cent. :

If there are more Official Liquidators than One they shall be entitled to such Remuneration in equal Shares unless the Court directs 10 otherwise.

Dissolution
of Company.

XC. When the Affairs of the Company have been completely wound-up, the Court shall make an Order declaring the Company to be dissolved from the Date of such Order, and the Company shall be dissolved accordingly ; and the Court may in such Order declare 15 that the Liabilities of the Contributories in respect of the Company shall cease from the Date of such Order, and in that Case such Liabilities shall cease accordingly.

Registrar
to make
Minute of
Dissolution
of Company.

XCI. Any Order so made shall be reported to the Registrar of Companies, who shall make a Minute accordingly in his Books of 20 the Dissolution of such Company.

Lord Chan-
cellor, with
the Advice
and Consent
of Master of
Rolls and
Vice-Chan-
cellor, to
make Gene-
ral Rules
and Orders.

XCII. The Lord Chancellor of Great Britain, with the Advice and Consent of the Master of the Rolls and any One of the Vice-Chancellors for the Time being, or with the Advice and Consent of any Two of the Vice-Chancellors, may from Time to Time, and as 25 often as Circumstances shall require, make such Rules concerning the Mode of proceeding to be had for winding up a Company as may from Time to Time seem necessary or proper for the Advancement of Justice in such Cases, and for adjusting and determining the Rights and Equities of the Parties concerned, and for suing for and 30 getting in the Assets and for ascertaining and discharging the Liabilities of such Company, and requiring the Creditors thereof to claim their Debts, and finally winding-up the Affairs thereof with as little Delay, Expense, and Uncertainty as possible, and may afterwards vary, discharge, or alter such Rules or any of them, and may 35 prescribe others in lieu of the same or any of them ; but until such Rules are made the Practice hitherto in use in winding-up Companies, except so far as is varied by this Act, shall be continued, and Official Liquidators shall be considered as occupying in all respects the Place of an Official Manager. 40

Power of
Lord Chan-
cellor of

XCI. The Lord Chancellor of Ireland may, as respects the winding-up of Companies in Ireland, with the Advice and Consent of the

the Master of the Rolls in Ireland, exercise the same Power of making Rules as is herein-after given to the Lord Chancellor of Great Britain ; but until such Rules are made the Practice hitherto in use in Ireland in winding up Companies, except in so far as the same is altered by
 5 this Act, shall be continued, and Official Liquidators shall in all respects be considered as occupying the Place of an Official Manager.

XCIV. The general Practice of the Courts of Chancery in England and Ireland in Suits pending in the same Courts respectively, so far as the same may be applicable, and so far as the same is not inconsistent with this Act, or with any Rules or Orders to be made under
 10 this Act, shall apply to all Proceedings under this Act.

XCv. The District Commissioners of the Court of Bankruptcy and the Judges of the County Courts in England who sit at Places more than Twenty Miles from the General Post Office, and the Commissioners of Bankrupt and the Assistant Barristers and Recorders
 15 in Ireland, and in all Cases relating to Mines within the Jurisdiction of the Stannaries Court in Cornwall the Vice-Warden or the Registrar of the said Court, shall be Commissioners for the Purpose of taking Evidence under this Act ; and it shall be lawful for the Court to
 20 refer the whole or any Part of the Examination of any Witnesses under this Act to any such Commissioner, although such Commissioner be out of the Jurisdiction of the Court by which the Order Absolute was made ; and every such Commissioner shall, in addition to any Power of summoning and examining Witnesses, and requiring
 25 the Production or Delivery of Documents, and certifying or punishing Defaults by Witnesses, which he might lawfully exercise as a District Commissioner of the Court of Bankruptcy, Judge of a County Court, Commissioner of Bankrupt, Assistant Barrister, or Recorder, or as the Vice-Warden or the Registrar of the Stannaries
 30 Court, have in the Matter so referred to him all the same Powers of summoning and examining Witnesses, and requiring the Production or Delivery of Documents, and punishing Defaults by Witnesses, and allowing Costs and Charges to Witnesses as the Court has, and the Examination so taken shall be returned to the Court in such Manner
 35 as it directs.

XCvI. The Court may direct the Examination in Scotland of any Person within Scotland, whether a Contributory of the Company or not, in regard to the Estate, Dealings, or Affairs of such Company, or in regard to the Estate, Dealings, or Affairs of any Person, being
 40 a Contributory of the Company, so far as the Company may be interested therein in respect of his being such Contributory ; and such Order shall be directed to the Sheriff of the County in which the Person to be examined resides or is for the Time ; and the

Ireland to make Rules.

General Practice of Courts to be followed where not varied under this Act.

District Commissioners of Bankruptcy, and County Court Judges in England, and Commissioners of Bankrupt and Assistant Barristers in Ireland, and in certain Cases Vice-Warden or Registrar of Stannaries Court, to be Commissioners for receiving Evidence.

Court may order the Examination of Persons in Scotland, whether Contributories to the Company or not, as to the Estate, Dealings, &c. of

or with such
Company.

Sheriff shall summon such Person to appear before him at such Time and Place as may be specified in the Summons, for Examination upon Oath as a Witness or as a Haver, and to produce the Books, Papers, Deeds, or Documents called for which may be in his Possession or Power, and the Sheriff may take such Examination either orally or upon written Interrogatories, and shall report the same in Writing in the usual Form to the Court, and shall transmit with such Report the Books, Papers, Deeds, or Documents produced, if the Originals thereof are required and specified by the Order, or otherwise such Copies thereof or Extracts therefrom authenticated by the Sheriff as may be necessary; and in case any Person so summoned fails to appear at the Time and Place specified, or appearing refuses to be examined or to make the Production required, the Sheriff shall proceed against such Person as a Witness or Haver, duly cited, and failing to appear, or refusing to give Evidence or make Production, may be proceeded against by the Law of Scotland; and the Sheriff shall be entitled to such and the like Fees, and the Witness shall be entitled to such and the like Allowances, as Sheriffs when acting as Commissioners under Appointment from the Court of Session, and as Witnesses and Havers, are entitled to, in the like Cases, according to the Law and Practice of Scotland: Provided always, that if any Objection is stated to the Sheriff by the Witness, either on the Ground of his Incompetency as a Witness, or as to the Production required to be made, or on any other Ground whatever, it shall be competent for the Sheriff, if he thinks fit, to report such Objections to the Court, and to suspend the Examination of such Witness until such Objection have been disposed of by the Court.

Voluntary Winding-up of Company.

XCVII. A Company may be wound-up voluntarily,

Cases in
which Com-
pany may be
wound up
voluntarily.

- (1.) Whenever the Period, if any, fixed for the Duration of the Company by the Articles of Association expires, or whenever the Event, if any, occurs, upon the Occurrence of which it is provided by the Articles of Association that the Company is to be dissolved:
- (2.) Whenever the Company in General Meeting has passed a Special Resolution requiring the Company to be wound-up voluntarily.

Whenever a Company is wound-up voluntarily the Company shall cease to carry on its Business, but its Corporate State and all its Corporate Powers shall, notwithstanding any Provision to the contrary in its Deed of Settlement, continue until the Affairs of the Company are wound-up.

XCVIII. The

XCVIII. The following Consequences shall ensue upon the voluntary winding-up of a Company,

GeneralCon-
sequences of
voluntary
winding-up.

- (1.) The Property of the Company shall be applied in satisfaction of its Liabilities, and, subject thereto, shall be distributed amongst the Shareholders in proportion to their Shares :
- (2.) Liquidators shall be appointed for the Purpose of winding-up the Affairs of the Company and distributing the Property :
- (3.) The Company may appoint such Person or Persons as it thinks fit to be a Liquidator or Liquidators :
- (4.) If One Person only is appointed, all the Provisions herein contained in reference to several Liquidators shall apply to him :
- (5.) If no Appointment of Liquidators is made by the Company, the Persons who at the Time of the Dissolution of the Company are Directors shall be Liquidators :
- (6.) When several Liquidators are appointed, every Power hereby given may be exercised by any Two of them :
- (7.) The Liquidators may at any Time after the passing of the Resolution for winding-up the Company, and before they have ascertained the Sufficiency of the Assets of the Company, or the Debts in respect of which the several Classes, if any, of Contributories are liable, call on all or any of the Contributories to the Extent of their Liability to pay all or any Sums they deem necessary to satisfy the Debts of the Company, and they may in making a Call take into consideration the Probability that some of the Contributories upon whom the same is made may partly or wholly fail to pay their respective Portion of the same :
- (8.) The Liquidators shall have all Powers herein-before vested in Official Liquidators, and may exercise the same without the Intervention of the Court :
- (9.) All Books and Papers in the Hands of the Liquidators shall at all reasonable Times be open to the Inspection of the Shareholders :
- (10.) As soon as the Affairs of the Company are fully wound-up, the Liquidators shall make up an Account showing the Manner of such winding-up, and the Disposal of the Property and Assets of the Company ; and such Account, with the Vouchers thereof, shall be laid before the Company, or such Person or Persons as may be appointed by them to inspect the same ; and within *One Month* after the Date of the Affairs being fully wound-up as aforesaid the Liquidators shall call a General Meeting of the Shareholders for the Purpose of considering such Account :

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(11.) Such

- (11.) Such General Meeting shall not enter upon any Business except the Consideration of the Account; but the Meeting may proceed to the Consideration thereof notwithstanding the Quorum required by any Byelaw of the Company to be present at General Meetings is not present thereat; and if on consideration the Meeting is of opinion that the Affairs of the Company have been fairly wound-up, they shall pass a Resolution to that Effect, and thereupon the Liquidators shall make a Return to the Registrar of Companies of the Account, and Resolution of the Meeting, within *Fourteen Days* 10 thereafter, and on the Registration of such Return the Company shall be dissolved, and all the Powers thereof, and of its Directors and Officers, shall determine:
- (12.) If within *One Year* after the passing of a Resolution for a winding-up the Affairs of the Company such Affairs are not 15 wound-up, the Liquidators shall immediately thereafter make up an Account showing the State of the Affairs and the Progress which has been made in winding-up down to that Date, and they shall add thereto a Report stating the Reason why the winding-up has not been completed, and a General Meeting 20 shall be called to consider the same, and any Resolutions of the General Meeting shall be registered in manner above provided, and so on from Year to Year until the winding-up of the Affairs of the Company is completed.

PART IV.

25

Registration Office.

Constitution
of Registra-
tion Office.

XCIX. The Registration of Companies shall be conducted as follows; (that is to say,)

- (1.) The Board of Trade may from Time to Time appoint and remove such Registrars, Assistant Registrars, Clerks, and 30 Servants as they may think necessary for the Registration of Companies under this Act:
- (2.) The Board of Trade may make such Regulations as they think fit with respect to the Duties to be performed by any such Registrars, Assistant Registrars, Clerks, and Servants as 35 aforesaid:
- (3.) The Board of Trade may from Time to Time determine the Place or Places at which Offices for the Registration of Companies are to be established:
- (4.) The Board of Trade may from Time to Time direct a Seal 40 or Seals to be prepared for the Authentication of any Documents

ments required for or connected with the Registration of Companies :

- (5.) Every Person may inspect the Documents kept by the Registrar of Companies ; and there shall be paid for such Inspection such Fees as may be appointed by the Board of Trade, not exceeding *One Shilling* for each Inspection ; and any Person may require a Copy or Extract of any Document or any Part of any Document, to be certified by the Registrar ; and there shall be paid for such certified Copy or Extract such Fee as the Board of Trade may appoint, not exceeding *Sixpence* for each Folio of such Copy or Extract ; and such certified Copy shall be *prima facie* Evidence of the Matters therein contained in all legal Proceedings whatever :
- (6.) The existing Registrar, Assistant Registrars, Clerks, and other Officers and Servants in the Office for the Registration of Joint Stock Companies, shall, during the Pleasure of the Board of Trade, hold the Offices, and receive the Salaries hitherto held and received by them, but they shall in the Execution of their Duties conform to any Regulations that may be issued by the Board of Trade :
- (7.) There shall be paid to any Registrar, Assistant Registrar Clerk, or Servant that may hereafter be employed in the Registration of Companies such Salary as the Board of Trade may, with the Sanction of the Commissioners of the Treasury, direct :
- (8.) Whenever any Act is herein directed to be done to or by the Registrar of Companies, such Act shall, until the Board of Trade otherwise directs, be done in England to or by the existing Registrar of Joint Stock Companies, or in his Absence by the Assistant Registrar, and in Ireland to or by the existing Assistant Registrar of Joint Stock Companies for Ireland ; but in the event of the Board of Trade altering the Constitution of the existing Registry Office such Act shall be done to or by such Officer or Officers and at such Place or Places as the Board of Trade may appoint.

PART V.

REPEAL OF FORMER ACTS, AND TEMPORARY PROVISIONS.

Repeal.

C. After the passing of this Act "The Limited Liability Act, 40 1855," shall be repealed ; and the Act passed in the Eighth Year
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Repeal of
7 & 8 Vict.
c. 110.

of the Reign of Her present Majesty, Chapter One hundred and ten, and intituled "An Act for the Registration, Incorporation, and "Regulation of Joint Stock Companies," shall be repealed, except in so far as relates to Insurance Companies and to Companies already completely registered thereunder.

5

Existing
Companies
to keep
Register of
Share-
holders.

CI. On or before the *Second Day of November One thousand eight hundred and fifty-six*, every Company, except an Insurance Company, completely registered under the said Act of the Eighth Year of the Reign of Her present Majesty shall enter in a Register of Shareholders the Names of all Persons who on such Day are Holders 10 of Shares in such Company, and such Register shall contain all Particulars by this Act required to be contained in a Register of Shareholders.

Existing
Companies
how far
subject to
this Act.

CII. On and after the *Second Day of November One thousand eight hundred and fifty-six*, every Company, except an Insurance 15 Company, completely registered under the said Act of the Eighth Year of Her present Majesty shall become subject to all the Provisions of this Act; but nothing herein contained shall prejudice or affect the Right of any Creditor upon Right accrued previously to the *Second Day of November One thousand eight hundred and fifty-six*.-- 20

Repeal of
7 & 8 Vict.
c. 110. and
10 & 11 Vict.
c. 78.

CIII. On and after the *Second Day of November One thousand eight hundred and fifty-six* there shall be repealed, except in so far as relates to Insurance Companies,—

- (1.) The said Act passed in the Eighth Year of the Reign of Her present Majesty, Chapter One hundred and ten; 25
- (2.) An Act passed in the Eleventh Year of the Reign of Her present Majesty, Chapter Seventy-eight, intituled "An Act "to amend an Act for the Registration, Incorporation, and "Regulation of Joint Stock Companies."

Repeal of
Winding-up
Acts.

CIV. There shall be repealed, from and after the *passing of this* 30 Act so far as relates to Companies registered under this Act, and from and after the *Second Day of November One thousand eight hundred and fifty-six* so far as relates to Companies registered under the said Act of the Eighth Year of the Reign of Her present Majesty, the following Acts; that is to say,

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- (1.) An Act passed in the Eleventh Year of the Reign of Her present Majesty, and intituled "An Act to amend the Acts for "facilitating the winding up of the Affairs of Joint Stock Com- "panies unable to meet their pecuniary Engagements, and also "to facilitate the Dissolution and winding up of Joint Stock 40 "Companies and other Partnerships."
- (2.) An

(2.) An Act passed in the Twelfth and Thirteenth Years of the Reign of Her present Majesty, and intituled "An Act to amend " the Joint Stock Companies winding up Act, 1848."

CV. No Repeal hereby enacted shall affect—

- 5 (1.) Anything duly done under any Acts hereby repealed before such Repeal comes into operation; Saving Clause as to Repeal.
- (2.) Any Liability accrued under any such Acts before such Repeal comes into operation;
- 10 (3.) Any Penalty, Forfeiture, or other Punishment incurred or to be incurred in respect of any Offence against any such Acts committed before such Repeal comes into operation.

Temporary Provisions.

CVI. With the Exception of an Insurance Company, any Company completely registered under the said Act of the Eighth Year of the
 15 Reign of Her present Majesty, or formed by a Charter, or incorporated by Act of Parliament, may, with the Consent of at least *Three Fourths* in Number and Value of such of its Shareholders as may be present, personally or by Proxy, at any General Meeting summoned for that Purpose, and upon complying with the Provisions of this Act, register
 20 themselves as a Company with Limited Liability under this Act, and upon such Registration being completed such Company shall become subject to all the Provisions of this Act. Power for existing registered Companies to register under this Act with Limited Liability.

CVII. For the Purpose of being registered as a Company with Limited Liability under this Act any Company, except as aforesaid,
 25 completely registered under the said Act of the Eighth Year of the Reign of Her present Majesty, Chapter One hundred and ten, may change its Name and do any other Act that may be necessary, but no such Registration with Limited Liability shall take place unless previous Notice of an Intention to apply for the same has been
 30 advertised once at the least in *Four* successive Weeks in some Newspaper circulating in the County in which the principal Office of the Company is situate. Existing Companies may change Name in order to register anew.

CVIII. The Power hereby given to any Company of registering with Limited Liability under this Act shall not prejudice or affect any Right
 35 which previously to such Registration has accrued to any Creditor or other Person against the Company in its Corporate Capacity, or against any Person then being or having been a Member of such Company, but every such Creditor or other Person shall be entitled to all such Remedies against the Company in its Corporate Capacity,
 40 and against every Person then being or having been a Member of such Company, as he would have been entitled to in case such Registration had not taken place. Saving of Rights of Creditors.

SCHEDULE.

FORM A.

Memorandum of Association of the "Eastern Steam Packet Company Limited."

1st. The Name of the Company is "The Eastern Steam Packet Company Limited."

2d. The Objects for which the Company is established are, "the Conveyance of Passengers and Goods in Ships or Boats between such Places as the Company may from Time to Time determine, and the doing all such other Things as are incidental or conducive to the Attainment of the above Object."

3d. The Liability of the Shareholders is "Limited."

4th. The nominal Capital of the Company is *Two hundred thousand Pounds*, divided into *One thousand Shares of Two hundred Pounds each*.

WE, the several Persons whose Names are subscribed, are desirous of being formed into a Company, in pursuance of this Memorandum of Association, and we respectively agree to take the Number of Shares in the Capital of the Company set opposite our respective Names.

Names and Addresses of Subscribers.			Number of Shares taken by each Subscriber.
" 1. John Jones of	in the County of	-	200
" 2. John Smith of	in the County of	-	25
" 3. Thomas Green of	in the County of	-	30
" 4. John Thompson of	in the County of	-	40
" 5. Caleb White of	in the County of	-	15
" 6. Andrew Brown of	in the County of	-	5
" 7. Cæsar White of	in the County of	-	10
Total Shares taken			325

TABLE

TABLE B.

REGULATIONS FOR MANAGEMENT OF THE COMPANY.

SHARES.

- (1.) No Person shall be deemed to have accepted any Share in the Company unless he has testified his Acceptance thereof by Writing under his Hand, in such Form as the Company from Time to Time directs.
- (2.) The Company may from Time to Time make such Calls upon the Shareholders in respect of all Monies unpaid on their Shares as they think fit, provided that Twenty-one Days Notice at least is given of each Call, and each Shareholder shall be liable to pay the Amount of Calls so made to the Persons and at the Times and Places appointed by the Company.
- (3.) If before or on the Day appointed for Payment any Shareholder does not pay the Amount of any Call to which he is liable, then such Shareholder shall be liable to pay Interest for the same at the Rate of *Five Pounds* per Cent. from the Day appointed for the Payment thereof to the Time of the actual Payment.
- (4.) It shall be lawful for the Company, if they think fit, to receive from any of the Shareholders willing to advance the same all or any Part of the Monies due upon their respective Shares beyond the Sums actually called for; and upon the Principal Monies so paid in advance, or so much thereof as from Time to Time exceeds the Amount of the Calls then made upon the Shares in respect of which such Advance shall be made, the Company may pay Interest at such Rate as the Shareholder paying such Sum in advance and the Company agree upon.
- (5.) If several Persons are registered as joint Holders of any Share, any One of such Persons may give effectual Receipts for any Dividend payable in respect of such Share.
- (6.) The Company may decline to register any Transfer of Shares made by a Shareholder who is indebted to them.
- (7.) Every Shareholder shall, on Payment of such Sum, not exceeding *One Shilling*, as the Company may prescribe, be entitled to a Certificate, under the Common Seal of the Company, specifying the Share or Shares held by him, and the Amount paid up thereon.
- (8.) If such Certificate is worn out or lost, it may be renewed, on Payment of such Sum, not exceeding *One Shilling*, as the Company may prescribe.

TRANSMISSION OF SHARES.

- (9.) The Executors or Administrators of a deceased Shareholder shall be the only Persons recognized by the Company as having any Title to his Share.
- (10.) Any Person becoming entitled to a Share in consequence of the Death, Bankruptcy, or Insolvency of any Shareholder, or in consequence of the Marriage of any Female Shareholder, or in any way other than by Transfer, may be registered as a Shareholder upon such Evidence being produced as may from Time to Time be required by the Company.
- (11.) Any Person who has become entitled to a transmitted Share may, instead of being registered himself, elect to have some Person to be named by him registered as a Holder of such Share.
- (12.) The Person so becoming entitled shall testify such Election by executing to his Nominee a Deed of Transfer of such Share.
- (13.) The Deed of Transfer shall be presented to the Company accompanied with such Evidence as they may require to prove the Title of the Transferer, and thereupon the Company shall register the Transferee as a Shareholder.

FORFEITURE OF SHARES.

- (14.) A Call shall be deemed to have been made at the Time when the Resolution authorizing such Call was passed.
- (15.) If any Shareholder fails to pay any Call due on the appointed Day, the Company may, at any Time thereafter, during such Time as the Call remains unpaid, serve a Notice on him, requiring him to pay such Call, together with any Interest that may have accrued by reason of such Nonpayment.
- (16.) The Notice shall name a further Day, and a Place or Places, being a Place or Places at which Calls of the Company are usually made payable, on and at which such Call is to be paid: It may also state that in the event of Nonpayment at the Time and Place appointed the Shares in respect of which such Call was made will be liable to be forfeited.
- (17.) If the Requisitions of any such Notice as aforesaid are not complied with, any Share in respect of which such Notice has been given may be forfeited.
- (18.) Any Shares so forfeited shall be deemed to be the Property of the Company, and may be disposed of in such Manner as the Company think fit.
- (19.) Any Shareholder whose Shares have been forfeited shall, notwithstanding, be liable to pay to the Company all Calls owing upon such Shares at the Time of the Forfeiture.

INCREASE

INCREASE IN CAPITAL.

- (20.) The Company may, with the previous Authority of the Company in General Meeting, increase its Capital.
- (21.) Any Capital raised by the Creation of new Shares shall be considered as Part of the original Capital, and shall be subject to the same Provisions in all respects, whether with reference to the Payment of Calls, or the Forfeiture of Shares on Non-payment of Calls, or otherwise, as if it had been Part of the original Capital.

GENERAL MEETINGS.

- (22.) The First General Meeting shall be held at such Time, not being more than *Twelve* Months after the Incorporation of the Company, and at such Place, as the Directors may determine.
- (23.) Subsequent General Meetings shall be held at such Time and Place as may be prescribed by the Company in General Meeting, subject to this Restriction, that One Meeting at the least shall be held in each Year; and if no other Time or Place is prescribed, a General Meeting shall be held on the First Monday in February in every Year, at such Place as may be determined by the Directors.
- (24.) The above-mentioned General Meetings shall be called Ordinary Meetings; all other General Meetings shall be called Extraordinary.
- (25.) The Directors may whenever they think fit, and they shall upon a Requisition made in Writing by any Number of Shareholders holding in the aggregate not less than *One Fifth* Part of the Shares of the Company, convene an Extraordinary General Meeting.
- (26.) Any Requisition so made by the Shareholders shall express the Object of the Meeting proposed to be called, and shall be left at the principal Office of the Company.
- (27.) Upon the Receipt of such Requisition the Directors shall forthwith proceed to convene a General Meeting: If they do not convene the same within *Twenty-one* Days from the Date of the Requisition, the Requisitionists, or any other Shareholders holding the required Number of Shares, may themselves convene a Meeting.
- (28.) *Fourteen* Days Notice at the least, specifying the Place, the Time, the Hour of Meeting, and the Purpose for which any General Meeting is held, shall be given by Advertisement, or in such other Manner, if any, as may be prescribed by the Company in General Meeting.

- (29.) Any Shareholder may, on giving not less than *Seven Days* previous Notice, submit any Resolution to a Meeting beyond the Matters contained in the Notice given of such Meeting.
- (30.) The Notice required of a Shareholder shall be given by leaving a Copy of the Resolution at the principal Office of the Company.
- (31.) No Business shall be transacted at any Meeting except the Declaration of a Dividend unless at least *One Tenth* in Number of the Shareholders are present at the Commencement and Close of such Business; and no Business shall be transacted at any Meeting of which previous Notice has not been given in manner herein before mentioned.
- (32.) If within One Hour from the Time appointed for the Meeting the required Number of Shareholders is not present, the Meeting, if convened upon the Requisition of the Shareholders, shall be dissolved: In any other Case it shall stand adjourned to the following Day, at the same Time and Place; and if at such adjourned Meeting the required Number of Shareholders is not present, it shall be adjourned sine die.
- (33.) The Chairman (if any) of the Board of Directors shall preside as Chairman at every Meeting of the Company.
- (34.) If there is no such Chairman, or if at any Meeting he is not present at the Time of holding the same, the Shareholders present shall choose some One of their Number to be Chairman of such Meeting.
- (35.) The Chairman may, with the Consent of the Meeting, adjourn any Meeting from Time to Time and from Place to Place, but no Business shall be transacted at any adjourned Meeting other than the Business left unfinished at the Meeting from which the Adjournment took place.
- (36.) At any General Meeting, unless a Poll is demanded by at least *Five* Shareholders, a Declaration by the Chairman that a Resolution has been carried, and an Entry to that Effect in the Book of Proceedings of the Company, shall be sufficient Evidence of the Fact, without Proof of the Number or Proportion of the Votes recorded in favour of or against such Resolution.
- (37.) If a Poll is demanded the same shall be taken in such Manner as the Chairman directs, and the Result of such Poll shall be deemed to be the Resolution of the Company in General Meeting.

VOTES OF SHAREHOLDERS.

- (38.) Every Shareholder shall have One Vote for every Share up to Ten; he shall have an additional Vote for every Five Shares beyond

beyond the first Ten Shares up to One hundred, and an additional Vote for every Ten Shares held by him beyond the first Hundred Shares.

- (39.) If any Shareholder is a Lunatic or Idiot he may vote by his Committee; and if any Shareholder is a Minor he may vote by his Guardian, or any One of his Guardians, if more than One.
- (40.) If several Persons are jointly entitled to a Share or Shares the Person whose Name stands first in the Register of Shareholders as One of the Holders of such Share or Shares, and no other, shall be entitled to vote in respect of the same.
- (41.) No Shareholder shall be entitled to vote at any Meeting unless all Calls due from him have been paid.
- (42.) Votes may be given either personally or by Proxies: A Proxy shall be appointed in Writing under the Hand of the Appointor, or if such Appointor is a Corporation, under their Common Seal.
- (43.) No Person shall be appointed a Proxy who is not a Shareholder, and the Instrument appointing him shall be transmitted to the Secretary of the Company *Forty-eight* Hours before the Time of holding the Meeting at which he proposes to vote.

DIRECTORS.

- (44.) The Term "Directors" shall include any Managers or other Superintendents of the Company, and if One Director, Manager, or Superintendent only is appointed, all Provisions herein contained with respect to Directors shall apply to him.
- (45.) The Number of the Directors, and the Names of the first Directors, shall be determined by the Subscribers of the Memorandum of Association.
- (46.) Until Directors are appointed, the Subscribers of the Memorandum of Association shall for all the Purposes of this Act be deemed to be Directors.

POWERS OF DIRECTORS.

- (47.) The Business of the Company shall be managed by the Directors, who may exercise all such Powers of the Company as are not by this Act or by the Articles of Settlement declared to be exercisable by the Company in General Meeting, subject nevertheless to the Regulations of the Articles of Settlement, to the Provisions of this Act, and to such Regulations, being

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not

not inconsistent with the aforesaid Regulations or Provisions, as may be prescribed by the Company in General Meeting; but no Regulation made by the Company in General Meeting shall invalidate any prior Act of the Directors which would have been valid if such Regulation had not been made.

QUALIFICATION OF DIRECTORS:

- (48.) The Office of Director shall be vacated,—
- If he holds any other Office or Place of Profit under the Company ;
 - If he becomes bankrupt or insolvent ;
 - If he is concerned in or participates in the Profits of any Contract with the Company ;
 - If he participates in the Profits of any Work done for the Company :
- But the above Rules shall be subject to the following Exceptions: That no Director shall vacate his Office by reason of his being a Shareholder in any incorporated Company which has entered into Contracts with or done any Work for the Company of which he is Director ; nevertheless he shall not vote in respect of such Contract or Work ; and if he does so vote his Vote shall not be counted, and he shall incur a Penalty not exceeding *Twenty Pounds*.

ROTATION OF DIRECTORS.

- (49.) At the First Ordinary Meeting after the Incorporation of the Company the whole of the Directors shall retire from Office ; and at the First Ordinary Meeting in every subsequent Year One Third of the Directors for the Time being, or if their Number is not a Multiple of Three, then the Number nearest to One Third, shall retire from Office.
- (50.) The One Third or other nearest Number to retire during the First and Second Years ensuing the Incorporation of the Company shall, unless the Directors agree among themselves, be determined by Ballot : In every subsequent Year the One Third or other nearest Number who have been longest in Office shall retire.
- (51.) A retiring Director shall be re-eligible.
- (52.) The Company at the General Meeting at which any Directors retire in manner aforesaid shall fill up the vacated Offices by electing a like Number of qualified Persons.
- (53.) If at any Meeting at which an Election of Directors ought to take place no such Election is made, the Meeting shall stand adjourned

adjourned till the next Day, at the same Time and Place; and if at such adjourned Meeting no Election takes place, the existing Directors shall continue to act until new Directors are appointed at the First Ordinary Meeting of the following Year.

- (54.) The Company may from Time to Time, in General Meeting, increase or reduce the Number of Directors, and may also determine in what Rotation such increased or reduced Number is to go out of Office.
- (55.) Any casual Vacancy occurring in the Board of Directors may be filled up by the Directors, but any Person so chosen shall retain his Office so long only as the vacating Director would have retained the same if no Vacancy had occurred.

PROCEEDINGS OF DIRECTORS.

- (56.) The Directors may meet together for the Despatch of Business, adjourn, and otherwise regulate their Meetings as they think fit, and determine the Quorum necessary for the Transaction of Business: Questions arising at any Meeting shall be decided by a Majority of Votes: In case of an Equality of Votes the Chairman, in addition to his original Vote, shall have a Casting Vote: A Director may at any Time summon a Meeting of the Directors.
- (57.) The Directors may elect a Chairman of their Meetings, and determine the Period for which he is to hold Office; but if no such Chairman is elected, or if at any Meeting the Chairman is not present at the Time appointed for holding the same, the Directors present shall choose some One of their Number to be Chairman of such Meeting.
- (58.) The Directors may delegate any of their Powers to Committees consisting of such Member or Members of their Body as they think fit: Any Committee so formed shall, in the Exercise of the Powers so delegated, conform to any Regulations that may be imposed on them by the Directors.
- (59.) A Committee may elect a Chairman of their Meetings: If no such Chairman is elected, or if he is not present at the Time appointed for holding the same, the Members present shall choose One of their Number to be Chairman of such Meeting.
- (60.) A Committee may meet and adjourn as they think proper: Questions at any Meeting shall be determined by a Majority of Votes of the Members present; and in case of an equal Division of Votes the Chairman shall have a Casting Vote.

- (61.) All Acts done by any Meeting of the Directors, or of a Committee of Directors, or by any Person acting as a Director, shall, notwithstanding that it be afterwards discovered that there was some Defect in the Appointment of any such Directors or Persons acting as aforesaid, or that they or any of them were disqualified, be as valid as if every such Person had been duly appointed and was qualified to be a Director.
- (62.) The Directors shall cause Minutes to be made in Books provided for the Purpose,—
- (1.) Of all Appointments of Officers made by the Directors;
 - (2.) Of the Names of the Directors present at each Meeting of Directors and Committees of Directors;
 - (3.) Of all Orders made by the Directors and Committees of Directors; and,
 - (4.) Of all Resolutions and Proceedings of Meetings of the Company, and of the Directors and Committees of Directors.
- (63.) The Company, in General Meeting, may, by a special Resolution, to be passed in manner directed by this Act, remove any Director before the Expiration of his Period of Office, and appoint another qualified Person in his Stead: The Person so appointed shall hold Office during such Time only as the Director in whose Place he is appointed would have held the same if he had not been removed.

DIVIDENDS.

- (64.) The Directors may, with the Sanction of the Company in General Meeting, declare a Dividend to be paid to the Shareholders in proportion to their Shares.
- (65.) No Dividend shall be payable except out of the Profits arising from the Business of the Company:
- (66.) The Directors may, before recommending any Dividend, set aside out of the Profits of the Company such Sum as they think proper as a reserved Fund to meet Contingencies, or for equalizing Dividends, or for repairing, maintaining, or improving the Works connected with the Business of the Company, or any Part thereof; and the Directors may invest the Sum so set apart as a reserved Fund upon such Securities as they, with the Sanction of the Company, may select.
- (67.) The Directors may deduct from the Dividends payable to any Shareholder all such Sums of Money as may be due from him to the Company on account of Calls or otherwise.
- (68.) All

- (68.) All Dividend unclaimed for *Three* Years, after having been declared, may be forfeited by the Directors for the Benefit of the Company.
- (69.) No Dividend shall bear Interest as against the Company.

ACCOUNTS.

- (70.) The Directors shall cause true Accounts to be kept,—
Of the Stock in Trade of the Company;
Of the Sums of Money received and expended by the Company, and the Matter in respect of which such Receipt and Expenditure takes place; and,
Of the Credits and Liabilities of the Company:
Such Accounts shall be kept, upon the Principle of Double Entry, in a Cash Book, Journal, and Ledger: The Books of Account shall be kept at the principal Office of the Company, and, subject to any reasonable Restrictions as to the Time and Manner of inspecting the same that may be imposed by the Company in General Meeting, shall be open to the Inspection of the Shareholders during the Hours of Business:
- (71.) Once at the least in every Year the Directors shall lay before the Company in General Meeting a Statement of the Income and Expenditure for the past Year, made up to a Date not more than *Three* Months before such Meeting.
- (72.) The Statement so made shall show, arranged under the most convenient Heads, the Amount of gross Income, distinguishing the several Sources from which it has been derived, and the Amount of gross Expenditure, distinguishing the Expense of the Establishment, Salaries, and other like Matters: Every Item of Expenditure fairly chargeable against the Year's Income shall be brought into Account, so that a just Balance of Profit and Loss may be laid before the Meeting; and in Cases where any Item of Expenditure which may in Fairness be distributed over several Years has been incurred in the Year to which the Statement refers, the whole Amount of such Item shall be stated, with the Addition of the Reasons why only a Portion of such Expenditure is charged against the Income of that Year.
- (73.) A printed Copy of the Balance Sheet required by this Act to be laid before a General Meeting shall, *Seven* Days previously to such Meeting, be delivered at or sent by Post to the registered Address of every Shareholder.

AUDIT.

- (74.) The Accounts of the Company shall be examined and the Correctness of the Balance Sheet ascertained by One or more Auditor or Auditors to be elected by the Company in General Meeting.
- (75.) If more than One Auditor is appointed, all the Provisions herein contained relating to Auditors shall apply to him.
- (76.) The Auditors need not be Shareholders in the Company: No Person is eligible as an Auditor who is interested otherwise than as a Shareholder in any Transaction of the Company; and no Director or other Officer of the Company is eligible during his Continuance in Office.
- (77.) The Election of Auditors shall be made by the Company at their Ordinary Meeting, or, if there are more than One, at their First Ordinary Meeting in each Year.
- (78.) The Remuneration of the Auditors shall be fixed by the Company at the Time of their Election.
- (79.) Any Auditor shall be re-eligible on his quitting Office.
- (80.) If any casual Vacancy occurs in the Office of Auditor, the Directors shall forthwith call an Extraordinary General Meeting for the Purpose of supplying the same.
- (81.) If no Election of Auditors is made in manner aforesaid, the Board of Trade may, on the Application of *One Fifth* in Number of the Shareholders of the Company, appoint One Auditor for the current Year, and fix the Remuneration to be paid to him for his Services.
- (82.) Every Auditor shall be supplied with a Copy of the Balance Sheet, and it shall be his Duty to examine the same, with the Accounts and Vouchers relating thereto.
- (83.) Every Auditor shall have a List delivered to him of all Books kept by the Company, and he shall at all reasonable Times have Access to the Books and Accounts of the Company: He may, at the Expense of the Company, employ Accountants or other Persons to assist him in investigating such Accounts, and he may in relation to such Accounts examine the Directors or any other Officer of the Company.
- (84.) The Auditors shall make a Report to the Shareholders upon the Balance Sheet and Accounts, and in every such Report they shall state whether, in their Opinion, the Balance Sheet is
a full

a full and fair Balance Sheet, containing the Particulars required by this Act, and properly drawn up so as to exhibit a true and correct View of the State of the Company's Affairs, and in case they have called for Explanations or Information from the Directors, whether such Explanations or Information have been given by the Directors, and whether they have been satisfactory; and such Report shall be read, together with the Report of the Directors, at the Ordinary Meeting.

NOTICES.

- (85.) Notices requiring to be served by the Company upon the Shareholders may be served either personally, or by leaving the same or sending it through the Post in a Letter addressed to him at his registered Place of Abode.
- (86.) All Notices directed to be given to the Shareholders shall, with respect to any Share to which Persons are jointly entitled, be given to whichever of the said Persons is named first in the Register of Shareholders; and Notice so given shall be sufficient Notice to all the Proprietors of such Share.
- (87.) All Notices required by this Act to be given by Advertisement shall be advertised in a Newspaper circulating in the County in which the principal Office of the Company is situate.

TABLE C.

Memorandum of Association of the "Patent Stereotype Company Limited," with Articles of Association annexed.

Memorandum of Association.

1st. The Name of the Company is "The Patent Stereotype Company."

2d. The Objects for which the Company is established are "the
 " working of a Patent Method of founding and casting Stereotype
 " Plates, of which Method John Smith of _____ is the sole
 " Patentee."

3d. The Liability of the Shareholders is “Limited.”

[2.]

E 4

4th. The

4th. The Capital of the Company is *Two Thousand Pounds*, divided into *Twenty Shares* of *One hundred Pounds* each.

WE, the several Persons whose Names are subscribed, are desirous of being formed into a Company, in pursuance of this Memorandum of Association, and we respectively agree to take the Number of Shares in the Capital of the Company set opposite our respective Names.

Names and Addresses of Subscribers.	Number of Shares taken by Subscribers.
" 1. John Jones, of in the County of -	1
" 2. John Smith of in the County of -	5
" 3. Thomas Green of in the County of -	2
" 4. John Thompson of in the County of -	2
" 5. Caleb White of in the County of -	3
" 6. Andrew Brown of in the County of -	4
" 7. Abel Brown of in the County of -	1
Total Shares taken - -	18

Articles of Association of the Patent Stereotype Company Limited.

" Whereas John Smith, in the annexed Memorandum of Association named, has, by a Deed bearing even Date with these Articles, vested the Patent in the said Memorandum mentioned in the Company, and has agreed to devote all his Skill and Labour to the exclusive Service of the Company.

" It is agreed as follows:—

" 1st. The said John Smith is to receive Five Shares in the Company as his Remuneration for the Transfer of his Patent Right. Such Shares are to be considered as paid-up Shares, and no Call is to be made in respect thereof. In addition, he is to receive a Salary of *One hundred Pounds* per Annum so long as he continues in the Service of the Company.

" 2d. No Shareholder shall transfer his Shares without the Consent of the Directors.

" 3d. No Alterations shall be made in any of the Regulations contained herein or in the Memorandum of Association, but Alterations may be made in the Table B. of the Schedule to the 'Joint Stock Companies Act, 1856,' in manner in such Act mentioned.

" 4th. If any Shareholder feels aggrieved with the Refusal of the Directors to allow him to transfer his Shares, the Matter shall be settled by Arbitration.

" 5th. Calls on the Shares of the Company not considered as paid up Shares shall be made at such Time as the Directors think fit; but no Call shall exceed *Ten Pounds*.

6th. The

“ 6th. The Regulations of Table B. as to transmitted Shares, numbered Ten, shall not apply, and the Regulation numbered Eleven in the said Table shall be construed to be imperative.

“ 7th. The Company shall not be obliged to register the Transferee under the Regulation numbered Twelve in the said Table unless he is approved by the Directors, but in the event of their disapproving the Matter may be decided by Arbitration.

“ 8th. The Regulations of Table B. as to General Meetings numbered 22, 23, and 25 shall not apply.

“ 9th. The First General Meeting of the Company shall be held on the *First of July* next, and subsequent General Meetings shall be held on the *First of July* on every succeeding Year, or if that is a Sunday on the succeeding Monday.

“ 10th. An Extraordinary General Meeting may be summoned at any Time by any Two Shareholders of the Company.

“ 11th. All Matters in question between the Shareholders shall be decided by an Arbitrator appointed by the Manchester Chamber of Commerce.

“ 12th. The Regulation of Table B. as to Votes of Shareholders, numbered Thirty-eight, shall not apply, and every Shareholder shall have One Vote in respect of every Share that he holds.

“ The several Persons herein-after named, Subscribers to the Memorandum of Association, shall be the First Directors of the Company; that is to say, John Jones, Thomas Green, John Thompson, Caleb White, Andrew Brown, and Abel Brown.

Names and Addresses of Subscribers.

“ 1. John Jones of	in the County of
“ 2. John Smith of	in the County of
“ 3. Thomas Green of	in the County of
“ 4. John Thomson of	in the County of
“ 5. Caleb White of	in the County of
“ 6. Andrew Brown of	in the County of
“ 7. Abel Brown of	in the County of

TABLE D.

TABLE OF FEES.

For Registration of a Company whose nominal Capital does not exceed 1,000 <i>l</i> .	£	s.	d.
- - - - -	5	0	0
For every 1,000 <i>l</i> . of nominal Capital, or Part of 1,000 <i>l</i> ., after the first 1,000 <i>l</i> ., an additional Fee of	0	5	0
For registering any Document hereby required or authorized to be registered, other than the Memorandum of Association	0	5	0
For making a Record of any Fact hereby authorized or required to be recorded by the Registrar of Companies, a Fee of	0	5	0

FORM F.

The Lords of the Committee of Privy Council appointed for the Consideration of Matters relating to Trade and Foreign Plantations hereby license the “ Association Limited ” to hold the Lands hereunder described.

Insert
Description
of Lands.

The Conditions of this Licence are

Insert
Conditions
(if any).

FORM G.

Indenture of Mortgage made between the "London Gas Company Limited" of the one Part, and "John Smith" of the other Part.

Whereas the said "John Smith" has advanced to the said Company the Sum of *One thousand Pounds*, on condition that the Company will repay the same to him on the *First Day of January* next, with Interest thereon in the meantime at the Rate of *Five Pounds* per Centum; and in the event of their not repaying the same on the said First of January will, so long as the same remains unpaid, pay Interest thereon at the Rate of *Five Pounds* per Centum by equal half-yearly Payments on the *First Day of July* and the *First Day of January* in every Year.

Now it is hereby witnessed, that for securing the said Advance and Interest the Company hereby grant to the said "John Smith" and his Heirs all the Lands described in the Schedule hereto, with all their actual and reported Appurtenances; and it is hereby declared, that if the Company fails in paying the whole of the Principal and Interest Monies hereby secured on the said *First of January* the said "John Smith," or any Person for the Time entitled to such Monies, may, at any Time thereafter, upon giving to the Company Three Months Notice, sell the said mortgaged Lands, and reimburse himself out of the Monies arising from the Sale all Sums due on this Security, and all Expenses incurred by him in respect of the Sale of the Lands, rendering the Surplus, if any, to the Company or their Assigns. The Condition as to Notice shall apply only between the Parties, and shall not affect a Purchaser, a Sale to whom shall be valid notwithstanding such Notice may not have been given.

In witness, &c.

SCHEDULE.

BALANCE

CAPITAL AND LIABILITIES.				PROPERTY AND ASSETS.			
I. CAPITAL -	Showing: The total Amount received from the Shareholders; showing also: (a.) The Number of Shares - (b.) The Amount paid per Share - (c.) If any Arrears of Calls, the Nature of the Arrear, and the Names of the Defaulters. Any Arrears due from any Director or Officer of the Company to be separately stated. (d.) The Particulars of any forfeited Shares.	£	s. d.	£	s. d.	£	s. d.
1.				III. PROPERTY held by the Company -	4.	Showing: Immovable Property, distinguishing (a.) Freehold Land - (b.) Buildings - (c.) Leasehold "	
II. DEBTS AND LIABILITIES of the Company -	Showing: The Amount of Loans on Mortgage or Debenture Bonds. The Amount of Debts owing by the Company, distinguishing— (a.) Debts for which Acceptances have been given. (b.) Debts to Tradesmen for Supplies of Stock in Trade or other Articles. (c.) Debts for Law Expenses. (d.) Debts for Interest on Debentures or other Loans. (e.) Unclaimed Dividends. (f.) Debts not enumerated above. Showing: The Amount set aside from Profits to meet Contingencies.			IV. DEBTS owing to the Company -	5.	Movable Property, distinguishing (d.) Stock in Trade - (e.) Plant - The Cost to be stated with Deductions for Deterioration in Value as charged to the Reserve Fund or Profit and Loss.	
3.					6.	Debts considered good for which the Company hold Bills or other Securities.	
					7.	Debts considered good for which the Company hold no Security.	
					8.	Debts considered doubtful and bad - Any Debt due from a Director or other Officer of the Company to be separately stated.	
VI. RESERVE FUND -	Showing: The Amount set aside from Profits to meet Contingencies.			V. CASH AND INVESTMENTS	9.	Showing: The Nature of Investment and Rate of Interest.	
VII. PROFIT AND LOSS -	Showing: The disposable Balance for Payment of Dividend, &c.				10.	The Amount of Cash, where lodged, and if bearing Interest.	
CONTINGENT LIABILITIES -	Claims against the Company not acknowledged as Debts. Monies for which the Company is contingently liable.						

Joint Stock Companies.

A

B I L L

For the Incorporation and Regulation of Joint
Stock Companies and other Associations.

*(Prepared and brought in by
Mr. Fitz Roy, Mr. Lowe, and Viscount Palmerston.)*

*Ordered, by The House of Commons, to be Printed,
1 February 1856.*

[Bill 2.]

Under 8 ozs.

Joint Stock Companies Bill.

[AS AMENDED IN COMMITTEE.]

ARRANGEMENT OF CLAUSES.

Sect.		Corresponding Clauses in former Acts.
	Preamble.	
1.	Short Title of Act - - - -	
2.	Act not to apply to Banking and Insurance Companies - - - -	

PART I.

CONSTITUTION AND INCORPORATION OF COMPANIES AND ASSOCIATIONS.

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3.	Company formed by Memorandum of Association and Registration - - -	
4.	Prohibition against Partnerships exceeding a certain Number - - -	
5.	Matters required to be prescribed by Memorandum of Association - - -	
6.	Prohibition as to Name of Companies - - -	
7.	Form of Memorandum of Association - - -	
8.	Shares to be taken by Subscribers of Memorandum of Association - - -	
9.	Articles of Association may prescribe Regulations - - -	
10.	Form and Effect of Articles of Association - - -	
11.	Stamp on Memorandum of Association and Articles of Association, and Use of printed Copies - - -	
12.	Registration of Memorandum of Association and Articles of Association - - -	
13.	Effect of Registration - - -	
14.	Power of Subscribers to issue Shares - - -	8 Vict. c. 16. ss. 6 & 7.

Register of Shareholders.

15.	Manner of keeping Register of Shareholders -	
16.	Annual Lists to be made of Shareholders -	
17.	Penalty on Company not keeping a proper Register - - -	
18.	Definition of Shareholder - - -	8 Vict. c. 16. s. 20.
19.	Transfer of Shares - - -	8 Vict. c. 16. s. 14.
20.	Certificate of Shares - - -	8 Vict. c. 16. s. 11 & 12.
21.	Calls to be a Debt to Company - - -	
22.	Inspection of Register of Shareholders -	

[Bill 47.]

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23. Power to close Register of Shareholders - -	8 Vict. c. 16. s. 17.
24. Remedy for improper Entry or Omission of Entry in Register - - - -	
25. Register to be Evidence - - - -	
26. Copy of Memorandum of Association and Articles of Association to be given to Share- holders - - - -	

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27. Registered Office of Company - - -	
28. Notice of Situation of Office to be given -	
29. Regulations to be observed by a Limited Com- pany - - - -	18 & 19 Vict. c. 133. s. 4.
30. Penalties to be inflicted for Nonobservance -	18 & 19 Vict. c. 133. s. 5.
31. General Meeting of the Company - -	
32. Power of Company to alter Memorandum of Association and Articles of Association, by Special Resolution - - - -	
33. Definition of Special Resolution - -	
34. Special Resolutions to be registered - -	
35. Copy of Special Resolution to be given to Shareholders - - - -	
36. Notice to Registrar of Increase of Capital -	
37. Prohibition against carrying on Business with less than Seven Shareholders - -	
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Legal Instruments of Company.

39. Rules as to Contracts - - -	
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Execution of Deeds.

40. Power for Attorney to execute Deeds abroad -	
41. Promissory Notes and Bills of Exchange -	7 & 8 Vict. c. 110. s. 45.
42. Mortgages by Company according to English Law - - - -	
43. Bond and Disposition in Security according to Scotch Law - - - -	
44. Conveyances of Company made according to English Law - - - -	
45. Bond and Disposition in Security according to Scotch Law - - - -	8 Vict. c. 16. s. 132.

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46. Circumstances under which Board of Trade may order Examination of Affairs of Com- pany - - - -	New York Statutes, Part I., Chap. xviii., Title 2., s. 176.
47. Inspection of Books - - - -	
48. Result of Examination how dealt with -	
49. Company may appoint Inspectors - -	
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52.	Rule as to Notices by Letter - -	
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58.	Definition of "the Court" - - -	
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62.	Commencement of winding-up of Company, how determined - - -	
63.	Definition of "Contributory," and legal Cha- racter of his Liability - - -	
64.	Rights of Contributories between themselves {	7 & 8 Vict. c. 110. s. 67. 18 & 19 Vict. c. 133. s. 8.

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66.	Company when deemed unable to pay its Debts - - -	
67.	Application for winding-up to be by Petition	11 & 12 Vict. c. 45. s. 5.
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73.	Court to cause Assets to be collected and ap- plied in due Course - - -	
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75.	Power of Court to make Calls - - -	11 & 12 Vict. c. 45. s. 83., and 12 & 13 Vict. c. 108. s. 28.
76.	Payment of Money into the Bank - - -	11 & 12 Vict. c. 45. s. 70.
77.	Court may grant Injunction - - -	
78.	Power of Court to stay Proceedings - -	
79.	Power of Court to adjust Rights of Contri- butories - - -	
80.	Court may make Order as to Costs - -	

Sect.

Official Liquidators.

81. Appointment of Official Liquidators	-	8 Vict. c. 45. s. 20-26.
82. Style and Duties of Official Liquidators	-	
83. Powers of Official Liquidators	-	11 & 12 Vict. c. 45. s. 55.
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84. Appointment of Solicitor by Official Liquidators	-	12 & 13 Vict. c. 108. s. 8.
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86. Dissolution of Company	-	12 & 13 Vict. c. 108. s. 6.
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Sect.

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100. Existing Companies to keep Register of Shareholders - - - -
101. Repeal of 7 & 8 Vict. c. 110., 10 & 11 Vict. c. 78., and 18 & 19 Vict. c. 133. - - -
102. Repeal of Winding-up Acts, 11 Vict. c. 45. and 12 & 13 Vict. c. 108. - - -
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105. Requisitions for Registration by existing Companies - - - -
106. Authentication of Statements of Company - - -
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25 February 1856. 19 VICT.



A

B I L L

[AS AMENDED IN COMMITTEE]

FOR

The Incorporation and Regulation of Joint Stock Companies and other Associations.

[Note.—*The Clauses marked A to N were added in Committee.*]

WHEREAS it is expedient that the Law relating to the Incorporation and Regulation of Joint Stock Companies and other Associations should be consolidated and amended: Preamble.

Be it therefore enacted by the Queen's most Excellent Majesty, by
5 and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

I. This Act may be cited for all Purposes as "The Joint Stock Companies Act, 1856." Short Title of Act.

10 II. This Act shall not apply to Persons associated together for the Purpose of Banking or Insurance. Act not to apply to Banking and Insurance Companies.

PART I.

CONSTITUTION AND INCORPORATION OF COMPANIES AND ASSOCIATIONS.

Registry.

15 III. Seven or more Persons, associated for any lawful Purpose, may, by subscribing their Names to a Memorandum of Association, Company formed by Memorandum
[Bill 47.] A and

2 *Joint Stock Companies. (Part I. Constitution, &c.)*

dum of
Association
and Regis-
tration.

and otherwise complying with the Requisitions of this Act in respect of Registration, form themselves into an Incorporated Company, with or without Limited Liability.

Prohibition
against
Partnerships
exceeding
a certain
Number.

IV. Not more than Twenty Persons shall carry on in Partnership any Trade or Business having Gain for its Object, unless they are registered as a Company under this Act, or are authorized so to carry on Business by some other Act of Parliament or by Charter or Letters Patent, or are engaged in working Mines on the Cost-book Principle; and if any Persons carry on Business in Partnership contrary to this Provision, every Person so acting shall be severally liable for the Payment of the whole Debts of the Partnership, and may be sued for the same without joining in the Action or Suit any other Members of the Partnership. 10

Matters
required to
be prescribed
by Memo-
randum of
Association.

V. The Memorandum of Association shall prescribe the following Things; (that is to say,) 15

1. The Name of the proposed Company;
2. The Objects for which the proposed Company is to be established;
3. The Liability of the Shareholders, whether it is to be limited or unlimited;
4. The Amount of the nominal Capital of the proposed Company;
5. The Number of Shares into which such Capital is to be divided, and the Amount of each Share; subject to the following Restriction:

That in the Case of a Company formed with Limited Liability, and herein-after called a Limited Company, the Word "Limited" shall be the last Word in the Name of the Company. 25

Prohibition
as to Name
of Compa-
nies.

VI. No Company shall be registered under a Name identical with that by which a subsisting Company is already registered, or so nearly resembling the same as to be calculated to deceive.

Form of Me-
morandum of
Association.

VII. The Memorandum of Association shall be in the Form marked A. in the Schedule hereto, or as near thereto as Circumstances admit, and it shall, when registered, bind the Company and the Shareholders therein to the same Extent as if each Shareholder had subscribed his Name and affixed his Seal thereto or otherwise duly executed the same, and there were in such Memorandum contained, on the Part of Himself, his Heirs, Executors, and Administrators, a Covenant to conform to all the Regulations of such Memorandum, subject to the Provisions of this Act. 30

Shares to be
taken by
Subscribers
of Memo-
randum of
Association.

VIII. Every Subscriber of the Memorandum of Association shall take One Share at the least in the Company: The Number of Shares taken by each Subscriber shall be set opposite his Name in such Memorandum 40

Memorandum of Association, and upon the Incorporation of the Company he shall be entered in the Register of Shareholders hereinafter mentioned as a Shareholder to the Extent of the Shares he has taken.

- 5 IX. The Memorandum of Association may be accompanied by Articles of Association may pre-
or have annexed thereto or endorsed thereon Articles of Association, signed by the Subscribers to the Memorandum of Association, and prescribe Re-
prescribing Regulations for the Company; but if no such Regulations are prescribed, or so far as the same do not extend to modify
10 the Regulations contained in the Table marked B. in the Schedule hereto, such last-mentioned Regulations shall, so far as the same are applicable, be deemed to be the Regulations of the Company, and shall bind the Company and the Shareholders therein to the same
Extent as if they had been inserted in Articles of Association, and
15 such Articles had been registered: Any Regulation contained in the Articles of Association inconsistent with any of the Provisions of this Act shall be void.

- X. The Articles of Association shall be in the Form marked C. in the Schedule hereto, or as near thereto as Circumstances admit: They shall, when registered, bind the Company and the Shareholders
20 therein to the same Extent as if each Shareholder had subscribed his Name and affixed his Seal thereto or otherwise duly executed the same, and there were in such Articles contained, on the Part of himself, his Heirs, Executors, and Administrators, a Covenant to conform to all the Regulations of such Articles, subject to the
25 Provisions of this Act.

- XI. The Memorandum of Association and the Articles of Association shall respectively bear the same Stamps as if they were Deeds; Any Person signing a printed Copy of the Memorandum of Association or Articles of Association shall be deemed to have
30 signed such Memorandum and Articles respectively, and where the proper Stamp has been duly fixed on such Memorandum of Association or Articles of Association it shall not be necessary to stamp any printed Copy so signed: The Execution by any Person of the Memorandum of Association or Articles of Association shall be
35 attested by One Witness at the least; and Attestation by One Witness shall be sufficient Attestation in Scotland as well as in England.

- XII. The Memorandum of Association and Articles of Association shall be registered by the Registrar of Joint Stock Companies. There shall be paid to the Registrar of Joint Stock Companies, in
40 respect of the several Matters mentioned in the Table marked D. in the Schedule hereto, the several Fees therein specified, or such

smaller Fees as the Board of Trade may from Time to Time direct; and all Fees so paid shall be paid into the Receipt of Her Majesty's Exchequer, and be carried to the Account of the Consolidated Fund of the United Kingdom of Great Britain and Ireland.

Effect of
Registration. XIII. Upon any such Memorandum of Association, either with or 5
without Articles of Association as aforesaid, being registered, the Registrar shall certify under his Hand that the Company is incorporated, and in the Case of a Limited Company that the Company is limited: The Subscribers of the Memorandum of Association, together with such other Persons as may from Time to Time become 10
Shareholders in the Company, shall thereupon be a Body Corporate by the Name prescribed in the Memorandum of Association, having a perpetual Succession and a Common Seal, with Power to hold Lands; but with such pecuniary Liability on the Part of the Shareholders as is herein-after mentioned: The Certificate of Incorporation given by 15
the Registrar shall be conclusive Evidence that all the Requisitions of this Act in respect of Registration have been complied with; and the Date of such Certificate shall be deemed to be the Date of the Incorporation of the Company.

Power of
Subscribers
to issue
Shares. XIV. As soon as a Certificate of Incorporation has been granted 20
by the Registrar of Joint Stock Companies, the Subscribers to the Memorandum of Association may issue Certificates of Shares to themselves and to other Persons to whom Shares may be allotted: The Shares so issued shall be Personal Estate, and shall not be of the Nature of Real Estate: And each Share shall be distinguished 25
by its appropriate Number.

Register of Shareholders.

Manner of
keeping
Register of
Share-
holders. XV. Every Company registered under this Act, herein-after referred to as "the Company," shall cause to be kept in One or more Books a Register of Shareholders, and there shall be entered 30
therein the following Particulars:

- (1.) The Names, Addresses, and Occupations of the Shareholders in the Company, and the Shares held by each of them, distinguishing each Share by its Number:
- (2.) The Amount paid on the Shares of each Shareholder: 35
- (3.) The Date at which the Name of any Person was entered in the Register as a Shareholder:
- (4.) The Date at which any Person ceased to be a Shareholder in respect of any Share.

Annual List
to be made
of them-
selves. XVI. Once at the least in every Year a List shall be made of 40
all Persons who on the Fourteenth Day succeeding the Day on which the Ordinary General Meeting of the Company, or, if there is
more

more than One Ordinary Meeting in each Year, the First of such Ordinary General Meetings is held on a given Day in such Year, are Holders of Shares in the Company; and such List shall state the Names, Addresses, and Occupations of all the Persons therein mentioned, and the Number of Shares held by each of them, and shall contain a Summary specifying the following Particulars:

- (1.) The Amount of the nominal Capital of the Company, and the Number of Shares into which it is divided:
- (2.) The Number of Shares taken from the Commencement of the Company up to the Date of the Summary:
- (3.) The Amount of Calls made on each Share:
- (4.) The total Amount of Calls that have been received:
- (5.) The total Amount of Calls unpaid.

The above List and Summary shall be contained in a separate Part of the Register, and shall be in the Form marked E. in the Schedule hereto, or as near thereto as Circumstances admit.

XVII. If any Company registered under this Act makes default in keeping a Register of Shareholders, in compliance with the foregoing Rules, such Company shall incur a Penalty not exceeding Five Pounds for every Day during which such Default continues.

Penalty on Company not keeping a proper Register.

XVIII. No Notice of any Trust, express or implied or constructive, shall be entered on the Register or receivable by the Company; and every Person who has accepted any Share in a Company registered under this Act, and whose Name is entered in the Register of Shareholders, and no other Person (except a Subscriber to the Memorandum of Association in respect of the Shares subscribed for by him) shall for the Purposes of this Act be deemed to be a Shareholder.

Definition of Shareholder.

XIX. The Transfer of any Share in the Company shall be in the Form marked F. in the Schedule hereto, or to the like Effect, and shall be executed both by the Transferrer and Transferree: The Transferrer shall be deemed to remain a Holder of such Share until the Name of the Transferree is entered in the Register Book in respect thereof.

Transfer of Shares.

XX. A Certificate, under the Common Seal of the Company, specifying any Share or Shares held by any Shareholder, shall be prima facie Evidence of the Title of the Shareholder to the Share or Shares therein specified.

Certificate of Shares.

XXI. The Amount of Calls for the Time being unpaid on any Share shall be deemed to be a Debt due from the Holder of such Share to the Company.

Calls to be a Debt to Company.

Inspection
of Register
of Share-
holders.

XXII. The Register of Shareholders shall be kept at the registered Office of the Company herein-after mentioned; except when closed as herein-after mentioned, it shall during Business Hours, but subject to such reasonable Restrictions as the Company in General Meeting may impose, so that not less than Two Hours in each Day be appointed 5 for Inspection, be open to the Inspection of any Shareholder gratis, and to the Inspection of any other Person on the Payment of One Shilling, or such less Sum as the Company may prescribe for each Inspection; if such Inspection is refused, the Company shall incur for each Refusal a Penalty not exceeding Two Pounds, and a further 10 Penalty of Two Pounds for every Day during which such Refusal continues.

Power to
close Regis-
ter of Share-
holders.

XXIII. The Company may, upon giving Notice by Advertisement in some Newspaper circulating in the District in which the registered Office of the Company is situated, close the Register of Shareholders 15 for any Time or Times not exceeding on the whole Twenty-one Days in each Year, and the Period during which the Books are closed shall not be reckoned as Part of the Time within which a Transfer is to be registered.

Remedy for
improper
Entry or
Omission of
Entry in
Register.

XXIV. If the Name of any Person is improperly entered or 20 omitted to be entered in the Register of Shareholders, such Person may, as respecting Companies registered in England or Ireland, by Motion in any of Her Majesty's Superior Courts of Law or Equity, and as respects Companies registered in Scotland by Summary Petition to the Court of Session, apply to such Court for an Order 25 that the Register may be rectified, and the Court, if satisfied of the Fact, may make an Order accordingly, and may direct the Company to pay all the Costs of such Motion or Petition, and any Damages the Party aggrieved may have sustained; and if the Company makes default or is guilty of unnecessary Delay in registering any Transfer 30 of Shares, they shall be responsible to any Person injured by such Default or Delay for the Amount of Damage he may thereby have sustained.

Register to
be Evidence.

XXV. The Register of Shareholders shall be Evidence of any Matters by this Act directed or authorized to be inserted therein. 35

Copy of Me-
morandum
of Associa-
and Articles
of Associa-
tion to be
given to
Share-
holders.

XXVI. Copies of the Memorandum of Association and Articles of Association shall be forwarded to every Shareholder, at his Request, on Payment of the Sum of One Shilling for each Copy, or such less Sum as may be prescribed by the Company.

PART II.

MANAGEMENT AND ADMINISTRATION OF COMPANIES.

General.

XXVII. The Company shall have a registered Office to which
5 all Communications and Notices may be addressed: If any Company registered under this Act carries on Business without having such an Office, they shall incur a Penalty not exceeding Five Pounds for every Day during which Business is so carried on.

Registered
Office of
Company.

XXVIII. Notice of the Situation of such registered Office, and of
10 any Change therein, shall be given to the Registrar of Joint Stock Companies, and recorded by him: Until such Notice is given the Company shall not be deemed to have complied with the Provisions of this Act with respect to having a registered Office.

Notice of
Situation of
Office to be
given.

XXIX. Every Limited Company registered under this Act shall
15 paint or affix, and shall keep painted or affixed, its Name on the Outside of every Office or Place in which the Business of the Company is carried on, in a conspicuous Position, in Letters easily legible, and shall have its Name engraved in legible Characters on its Seal, and shall have its Name mentioned in legible Characters in all Notices,
20 Advertisements, and other official Publications of such Company, and in all Bills of Exchange, Promissory Notes, Cheques, Orders for Money, Bills of Parcels, Invoices, and Receipts of the Company.

Regulations
to be ob-
served by a
Limited
Company.

XXX. If any Limited Company registered under this Act does not
paint or affix, and keep painted or affixed, its Name, in manner
25 aforesaid, it shall be liable to a Penalty not exceeding Five Pounds for not so painting or affixing its Name, and for every Day during which such Name is not so kept painted or affixed; and if any Officer of such Company, or any Person on its Behalf, uses any Seal purporting to be a Seal of the Company whereon its Name is not so engraved
30 as aforesaid, or issues or authorizes the Issue of any Notice, Advertisement, or other official Publication of such Company, or of any Bill of Exchange, Promissory Note, Cheque, Order for Money, Bill of Parcels, Invoice, or Receipt, of the Company, wherein its Name is not mentioned in manner aforesaid, he shall be liable to a Penalty
35 of Fifty Pounds, and shall further be personally liable to the Holder

Penalties to
be inflicted
for Non-
observance.

of any such Bill of Exchange, Promissory Note, Cheque, or Order for Money, for the Amount thereof, unless the same is duly paid by the Company.

General Meeting of the Company.

XXXI. A General Meeting of the Company shall be held once at the least in every Year. 5

Power of Company to alter Memorandum of Association and Articles of Association, by Special Resolution.

XXXII. Any Company registered under this Act, and not carrying on a Trade or Business having Gain for its Object, may, and any Company registered under this Act, and carrying on a Trade or Business having Gain for its Object may, unless expressly prohibited by the Articles of Association, in General Meeting, from Time to Time, by such Special Resolution as is herein-after mentioned, repeal or alter, and make new Provisions in lieu of any Regulations of the Company, including the Regulations contained in the Table marked B. in the Schedule. 10

Definition of Special Resolution.

XXXIII. A Resolution shall be deemed to be a Special Resolution of the Company whenever the same has been passed by Three Fourths in Number and Value of such Shareholders of the Company as may be present in Person or by Proxy at any Meeting, of which Notice specifying the Intention to propose such Resolution has been duly given, and such Resolution has been confirmed by a Majority of such Shareholders as may be present in Person or by Proxy at a subsequent Meeting, of which due Notice has been given, and held at an Interval of not less than One Month, nor more than Three Months, from the Date of the Meeting at which such Special Resolution was first passed. Unless a Poll is demanded by at least Five Shareholders a Declaration of the Chairman of any such Meeting as aforesaid, that a Special Resolution has been carried, shall be deemed conclusive Evidence of the Fact, without Proof of the Number or Proportion of the Votes recorded in favour or against the same. Notice of any Meeting shall, for the Purposes of this Section, be deemed to be duly given whenever it is given in manner prescribed by the Regulations of the Company. 15 20 25 30

Special Resolutions to be registered.

XXXIV. A Copy of any Special Resolution that is passed by any Company registered under this Act shall be forwarded to the Registrar of Joint Stock Companies, and recorded by him : If such Copy is not so forwarded within Fifteen Days from the Date of the passing of the Resolution, the Company shall incur a Penalty not exceeding Two Pounds for every Day after the Expiration of such Fifteen Days during which such Copy is omitted to be forwarded. 35

XXXVII. A

XXXV. A Copy of any Special Resolution shall be given to any Shareholder on Payment of One Shilling, or of such less Sum as the Company may direct.

Copy of Special Resolution to be given to Shareholders.

XXXVI. Notice of any Increase in the nominal Capital of a Company shall be given to the Registrar of Joint Stock Companies within Fifteen Days from the Date of the passing of the Resolution by which such Increase has been authorized, and the Registrar shall forthwith record the Amount of such Increase: If such Notice is not given within the Period aforesaid the Company shall incur a Penalty not exceeding Five Pounds for every Day during which such Neglect to give Notice continues.

Notice to Registrar of Increase of Capital.

XXXVII. If any Company registered under this Act carries on Business when the Number of its Shareholders is less than Seven, every Person who is a Shareholder in such Company during the Time that it so carries on Business shall be severally liable for the Payment of the whole Debts of the Company contracted during such Time, and may be sued for the same without joining in the Action or Suit any other Shareholder.

CLAUSE A.
Prohibition against carrying on Business with less than Seven Shareholders.

XXXVIII. The Company shall cause Minutes of all Resolutions and Proceedings of General Meetings of the Company to be duly entered in Books to be from Time to Time provided for the Purpose, and any such Minute as aforesaid, if signed by any Person purporting to be the Chairman of such Meeting, shall be receivable in Evidence in all legal Proceedings, and until the contrary is proved every General Meeting in respect of the Proceedings of which Minutes have been so made shall be deemed to have been duly held and convened.

Evidence of Proceedings of Meetings.

Legal Instruments of Company.

XXXIX. Contracts on behalf of any Company registered under this Act may be made as follows; (that is to say,)

Rules as to Contracts.

(1.) Any Contract which if made between private Persons would be by Law required to be in Writing, and if made according to English Law under Seal, may be made on behalf of the Company in Writing under the Common Seal of the Company, and such Contract may be in the same Manner varied or discharged:

(2.) Any Contract which if made between private Persons would be by Law required to be in Writing, and signed by the

[47.]

B

Parties

Parties to be charged therewith, may be made on behalf of the Company in Writing signed by any Person acting under the express or implied Authority of the Company, and such Contract may in the same Manner be varied or discharged :

5

- (3.) Any Contract which if made between private Persons would by Law be valid although made by Parol only, and not reduced into Writing, may be made by Parol on behalf of the Company by any Person acting under the express or implied Authority of the Company, and such Contract may in the 10 same Way be varied or discharged.

Execution of Deeds.

Power for
Attorney
to execute
Deeds
abroad.

XL. Any Company registered under this Act may, by Instrument or Writing under their Common Seal, empower any Person, either generally or in respect of any specified Matters, as their 15 Attorney to execute Deeds on their Behalf in any Place not situate in the United Kingdom, and every Deed signed by such Attorney, on behalf of the Company, and under his Seal, shall be binding on the Company to the same Extent as if it were under the Common Seal of the Company.

20

Promissory
Notes and
Bills of
Exchange.

XLI. A Promissory Note or Bill of Exchange shall be deemed to have been made, accepted, or endorsed on behalf of any Company registered under this Act, if made, accepted, or endorsed in the Name of the Company by any Person acting under the express or implied Authority of the Company.

25

Mortgages
by Company
according to
English Law.

XLII. In any Mortgage made according to English Law by any Company registered under this Act there shall be implied the following Covenants (unless Words expressly negating such Implication are contained therein); that is to say, a Covenant on the Part of the Company to pay the Money thereby secured, and Interest 30 thereon, at the Time and Rate therein mentioned; a Covenant that they have Power to convey or assure the Property declared to be conveyed or assured to the Mortgagee free from Incumbrances; and a Covenant for further Assurance of such Property, at the Expense of the Company, to the Mortgagee or any Person claiming through, 35 under, or in trust for him; and if a Power of Sale is thereby given such Power shall imply an Authority to sell by Public Auction or Private Contract, altogether or in Parcels, and to make, rescind, or vary Contracts for Sale or Resale without being liable for Loss, and also

also an Authority to give effectual Receipts for Purchase Monies, and such Mortgage may be in the Form marked G. in the Schedule hereto, or as near thereto as Circumstances admit.

XLIII. In any Bond and Disposition in Security made according to
 5 Scotch Law there shall be implied the following Obligations (unless
 Words expressly negating such Implication are contained therein);
 that is to say, an Obligation on the Part of the Company to pay the
 Money thereby secured, and Interest thereon, at the Time and Rate
 therein mentioned; a Condition that they have Power to convey
 10 the Property declared to be conveyed to the Heritable Creditor free
 from Incumbrances; and an Obligation for further Conveyances of
 such Property, at the Expense of the Company, to the Heritable
 Creditor, or any Person claiming through, under, or in trust for
 him; and if a Power of Sale is thereby given, such Power shall imply
 an Authority to sell by Public Auction or Private Contract, altogether
 15 or in Parcels, and to make, rescind, or vary Contracts for Sale or
 Re-sale, without being liable for Loss, and also an Authority to give
 effectual Receipts for Purchase Monies; and such Bond and Dispo-
 sition in Security may be in the Form marked H. in the Schedule
 hereto, or as near thereto as Circumstances permit, and shall be regis-
 20 tered in the General or Particular or Burgh Register of Sasines, as
 the Case may be, and being so registered shall be equivalent to a
 Bond and Disposition in Security in ordinary Form, containing Power
 of Sale with Sasine therein, and duly recorded in the Register of
 Sasines.

CLAUSE B.
 Bond and
 Disposition
 in Security
 according to
 Scotch Law.

XLIV. In any Conveyance or Assurance made according to
 English Law by any Company registered under this Act there shall
 be implied (unless Words expressly negating such Implication
 are contained therein) the following Covenants on the Part of the
 Company; (that is to say,)

Conveyances
 of Company
 made ac-
 cording to
 English Law.

30 A Covenant that, notwithstanding any Act or Default done by the
 Company, they were at the Time of the Execution of such Con-
 veyance or Assurance seised or possessed of the Lands or
 Premises thereby conveyed or assured for an indefeasible Estate
 of Inheritance in Fee Simple, free from Incumbrances occasioned
 35 by them, or otherwise for such Estate or Interest as therein
 expressed to be assured, free from Incumbrances occasioned
 by them:

A Covenant that the Person to whom such Lands or Premises
 are conveyed or assured, his Heirs, Successors, Executors, Ad-
 40 ministrators, and Assigns, (as the Case may be,) shall quietly
 enjoy the same against the Company and their Successors, and
 [47.]

12 *Joint Stock Companies. (Part II. Management, &c.)*

all other Persons claiming under them, and be indemnified and saved harmless by the Company and their Successors from all Incumbrances occasioned by the Company :

A Covenant for further Assurance of such Lands, at the Expense of the Person to whom such Lands are conveyed, his Heirs, 5 Successors, Executors, Administrators, or Assigns, (as the Case may be,) by the Company or their Successors, and all other Persons claiming under them.

CLAUSE C.
Bond and
Disposition
in Security
according to
Scotch Law.

XLV. In any Bond and Disposition in Security granted according to Scotch Law by any Company registered under this Act there shall be implied an Obligation of Warrandice from Fact and Deed 10 only, and an Obligation to complete the Company's Title at its own Expense so far as necessary to validate or give full Effect to such Bond and Disposition in Security, and an Obligation to grant also at its own Expense any further Deeds which may be necessary for the 15 Security of the Creditor.

Examination of Affairs of Company.

• Circum-
stances under
which Board
of Trade
may order
Examination
of Affairs of
Company.

XLVI. Upon the Application of One Fifth in Number and Value of the Shareholders of any Company registered under this Act, the Board of Trade may appoint One or more competent Inspectors to 20 examine into the Affairs of the Company, and to report thereon in such Manner as the Board of Trade directs.

Inspection
of Books.

XLVII. It shall be the Duty of all Officers and Agents of the Company to produce for the Examination of the Inspectors all Books and Documents in their Custody or Power: Any Inspector may 25 examine upon Oath the Officers and Agents of the Company in relation to its Business: If any Officer or Agent refuses to produce any such Book or Document, or to answer any Question relating to the Affairs of the Company, he shall incur a Penalty not exceeding 30 Five Pounds in respect of each Offence.

Result of
Examination
how dealt
with.

XLVIII. Upon the Conclusion of the Examination the Inspectors shall report their Opinion to the Board of Trade. Such Report shall be written or printed, as the Board of Trade directs. A Copy shall be forwarded by the Board of Trade to the registered Office of the Company, and a further Copy shall, at the Request of the Share- 35 holders upon whose Application the Inspection was made, be delivered to them or to any One or more of them. All Expenses of and incidental to any such Examination as aforesaid shall be defrayed by the Shareholders upon whose Application the Inspectors were appointed.

XLIX. Any

XLIX. Any Company registered under this Act may in General Meeting appoint Inspectors for the Purpose of examining into the Affairs of the Company: The Inspectors so appointed shall have the same Powers and perform the same Duties as Inspectors appointed
5 by the Board of Trade, with this Exception, that, instead of making their Report to the Board of Trade, they shall make the same in such Manner and to such Persons as the Company in General Meeting direct, and the Officers and Agents of the Company shall incur the same Penalties, in case of any Refusal to produce any Book or Docu-
10 ment to such Inspectors, or to answer any Question, as they would have incurred if such Inspectors had been appointed by the Board of Trade.

Company
may appoint
Inspectors.

L. A Copy of the Report of any Inspectors appointed under this Act, authenticated by the Seal of the Company into whose
15 Affairs they have made Inspection, shall be admissible as Evidence in any legal Proceeding.

Copy of
Report of
Inspectors
to be Evi-
dence.

Notices.

LI. Any Summons or Notice requiring to be served upon the Company may be served by leaving the same, or sending it through
20 the Post addressed to the Company, at their registered Office, or by giving it to any Director, Secretary, or other principal Officer of the Company.

Notice on
Company
how served.

LII. Notices by Letter shall be posted in such Time as to admit of the Letter being delivered in the due Course of Delivery within
25 the Period (if any) prescribed for the giving of such Notice; and in proving such Service it shall be sufficient to prove that such Notice was properly directed, and that it was put into the Post Office.

Rule as to
Notices by
Letter.

LIII. Any Summons, Notice, Writ, or Proceeding requiring Authentica-
30 tion by the Company may be signed by any Director, Secretary, or other authorized Officer of the Company, and need not be under the Common Seal of the Company, and the same may be in Writing or in Print, or partly in Writing and partly in Print.

Authentica-
tion of
Notices of
Company.

Legal Proceedings.

LIV. All Offences under this Act made punishable by any
35 Penalty may be prosecuted summarily before Two or more Justices, as to England in manner directed by an Act passed in the Session holden in the Eleventh and Twelfth Years of the Reign of Her

Recovery of
Penalties.

Majesty Queen Victoria, Chapter Forty-three, intituled "An Act to
 " facilitate the Performance of the Duties of Justices of the Peace out
 " of Sessions within England and Wales with respect to Summary
 " Convictions and Orders;" and as to Scotland, before Two or more
 Justices or the Sheriff of the County, in the Manner directed by the 5
 Act passed in the Session of Parliament holden in the Seventeenth
 and Eighteenth Years of the Reign of Her Majesty Queen Victoria,
 Chapter One hundred and four, intituled "An Act to amend and
 " consolidate the Acts relating to Merchant Shipping," as regards
 Offences in Scotland against that Act, not being an Offence which by 10
 that Act is described as a Felony or Misdemeanor; and as to Ireland,
 in the Manner directed by the Act passed in the Session holden in
 the Fourteenth and Fifteenth Years of the Reign of Her Majesty
 Queen Victoria, Chapter Ninety-three, intituled "An Act to consoli-
 " date and amend the Acts regulating the Proceedings of Petty 15
 " Sessions, and the Duties of Justices of the Peace out of Quarter
 " Sessions in Ireland," or any Act passed for the Amendment of the
 above-mentioned Acts.

Application
 of Penalties.

LV. The Justices or Sheriff imposing any Penalty under this Act
 may direct the whole or any Part thereof to be applied in or towards 20
 Payment of the Costs of the Proceedings, or in or towards the rewarding
 the Person upon whose Information or at whose Suit such Penalty
 has been recovered; and, subject to such Direction, all Penalties shall
 be paid into the Receipt of Her Majesty's Exchequer, in such Manner
 as the Treasury may direct, and shall be carried to and form Part of 25
 the Consolidated Fund of the United Kingdom.

Alteration of Forms.

Board of
 Trade may
 alter Forms
 in Schedule.

LVI. The Board of Trade may from Time to Time make such
 Alterations in the Forms and Tables contained in the Schedule hereto
 as they deem requisite, but they shall, before issuing any altered Form 30
 or Table, give such public Notice as may be necessary for the Pur-
 pose of preventing Inconvenience.

PART III.

WINDING-UP.

Preliminary.

Application
 of Part III.
 of Act.

LVII. The Provisions of this Act relating to the winding-up of 35
 Companies shall apply to all Companies registered under this Act,
 and after the Third Day of November One thousand eight hundred
 and fifty-six to all Companies registered under the Act passed in
 the

the Eighth Year of the Reign of Her present Majesty, Chapter One hundred and ten, and intituled "An Act for the Registration, Incorporation, and Regulation of Joint Stock Companies."

LVIII. In the Case of a Limited Company registered in England
 5 whose registered nominal Capital does not exceed Five thousand Pounds, and whose registered Office is situate more than Twenty Miles from the General Post Office, the Expression "the Court," as used in the Third Part of this Act, shall mean the District Commissioners of the Court of Bankruptcy having Jurisdiction over the District in which
 10 the registered Office of the Company is situate: In the Case of a Limited Company registered in Ireland, whose registered nominal Capital does not exceed Five thousand Pounds, the same Expression shall mean the Commissioners of Bankrupt in Ireland: In all
 15 Cases not herein-before provided for, the same Expression shall mean, as respects Companies registered in England, the High Court of Chancery of England, and as respects Companies registered in Scotland, the Court of Session in either Division thereof, and as respects Companies registered in Ireland, the Court of Chancery of Ireland.

Definition of the Court.

LIX. In the event of any Company being wound up by the
 20 Court or voluntarily the existing Shareholders shall be liable to contribute to the Assets of the Company to an Amount sufficient to pay the Debts of the Company, with this Qualification, that if the Company is limited no Contribution shall be required from any Shareholder exceeding the Amount, if any, unpaid on the Shares held
 25 by him.

Liability of present Shareholders in respect of Debts.

LX. In the event of any Company other than a Limited Company being wound up by the Court or voluntarily, any Person who has ceased to be a Shareholder within the Period of Three Years prior to the Commencement of the winding-up shall be deemed, for
 30 the Purposes of Contribution towards Payment of the Debts of the Company, to be an existing Shareholder, and shall have in all respects the same Rights, and be subject to the same Liabilities to Creditors, as if he had not so ceased to be a Shareholder, with this Exception, that he shall not be liable in respect of any Debt of the Company
 35 contracted after the Time at which he ceased to be a Shareholder.

Liability of former Shareholders in a Company other than a Limited Company with respect to Debts.

LXI. In the event of any Limited Company being wound up by the Court or voluntarily, any Person who has ceased to be a Holder of any Share or Shares within the Period of One Year prior to the Commencement of the winding-up shall be deemed, for the Purposes
 40 of Contribution towards Payment of the Debts of the Company, to be an existing Holder of such Share or Shares, and shall have in all

Liability of former Shareholders in a Limited Company with respect to Debts.

respects the same Rights and be subject to the same Liabilities to Creditors as if he had not so ceased to be a Shareholder.

Commence-
ment of
winding-up
of Company,
how deter-
mined.

LXII. The winding-up shall, if the Company is wound up by the Court, be deemed to commence at the Time of the Presentation of such Petition as is herein-after required to be presented to the Court, and 5 if the Company is wound up voluntarily, be deemed to commence at the Time of the passing of the First Resolution authorizing such winding-up.

Definition of
"Contribu-
tory," and
legal Charac-
ter of his
Liability.

LXIII. Any existing or former Shareholder hereby made liable to contribute to the Debts of a Company is herein-after called "a Con- 10 tributory," and any Sums which he is hereby made liable to pay shall, in England and Ireland, be deemed to be Specialty Debts due from him to the Company of which he is Contributory.

Rights of
Contribu-
tories
between
themselves.

LXIV. For the Purpose of ascertaining the Liability of existing and former Shareholders as between themselves, the following Rule shall 15 be adopted ; (that is to say,)

- (1.) In the Case of a Company other than a Limited Company every Transferee of Shares shall, in a Degree proportioned to the Shares transferred, indemnify the Transferrer against all existing and future Debts of the Company : 20
- (2.) In the Case of a Limited Company every Transferee shall indemnify the Transferrer against all Calls accrued due on the Shares transferred subsequently to the Transfer.

Winding-up by Court.

Circum-
stances under
which Com-
pany may be
wound up
by Court.

LXV. A Company may be wound up by the Court under the 25 following Circumstances ; (that is to say,)

- (1.) Whenever the Company in General Meeting has passed a Special Resolution requiring the Company to be wound up by the Court :
- (2.) Whenever the Company suspends its Business for the Space 30 of a whole Year :
- (3.) Whenever the Shareholders are reduced in Number to less than Seven :
- (4.) Whenever the Company is unable to pay its Debts.

Company
when deemed
unable to pay
its Debts.

LXVI. A Company shall be deemed to be unable to pay its 35 Debts,

- (1.) Whenever a Creditor to whom the Company is indebted in a Sum exceeding Fifty Pounds then due has served on the Company, by leaving the same at their registered Office, a Demand under his Hand requiring the Company to pay the 40 same so due, and the Company have for the Space of Three Weeks

Weeks succeeding the Service of such Demand neglected to pay such Sum, or to secure or compound for the same to the Satisfaction of the Creditor:

- 5 (2.) Whenever, in England and Ireland, Execution issued on a Judgment Decree or Order pronounced by any Court in favour of any Creditor in any Suit or other legal Proceeding instituted by such Creditor against the Company is returned unsatisfied, in whole or in part, by the Sheriff of the County in which the registered Office of the Company is situate.
- 10 (3.) Whenever, in Scotland, the Induciæ of a Charge for Payment on an Extract Decree, or an Extract registered Bond, or an Extract registered, Bill, or Promissory Note, shall have expired without Payment being made.

LXVII. Any Application for the winding-up of a Company shall
15 be by Petition, and there shall be filed along with such Petition an Affidavit verifying the Same: Such Petition may, in Cases where the Company is unable to pay its Debts, be presented either by a Creditor or a Contributory, but where any other Ground is alleged for winding-up the Company a Contributory alone is entitled to present
20 the Petition.

Application for winding-up to be by Petition.

LXVIII. Upon the Hearing of any Petition presented by a Creditor, the Court may make an Order or pronounce an Interlocutor directing the Company, by a Day to be named in the Order or Interlocutor, to pay or secure Payment to the Creditor of all Monies that
25 may be proved due to him, together with such Costs as the Court may direct; or the Court may, if it so thinks fit, on the Hearing of such Petition, make an Order or Decree for winding-up the Company in the first instance, or such other Order as it deems just.

Course to be pursued by Court on the Hearing of the Petition of a Creditor.

LXIX. If at the Expiration of the Time named in such Order or
30 Interlocutor such Payment is not made, or Security given, the Court may thereupon make an Order or Decree for winding up the Company.

Court may make an Order for winding-up Company on Creditor's Petition.

LXX. Upon the Hearing of a Petition presented by a Contributory, the Court may direct an Inquiry to be made as to whether it
35 will be beneficial to the Shareholders that the Company should be wound up, and may adjourn such Petition, and on a subsequent Day make an Order or Decree directing the Company to be wound-up; or the Court may, if it think fit, on the Hearing of such Petition, make an Order or Decree for winding up the Company in the first
40 instance.

Course to be pursued by Court on Petition of Contributory.

Effect of the
Order for
winding-up
the Com-
pany.

LXXI. After the Date of such Order or Decree for winding-up the Company, all Suits and Actions against the Company shall, if the Court so orders, be stayed: No Director or other Officer of the Company shall, without the Sanction of the Court, dispose of any of the Property, Effects, or Things in Action of the Company, and no 5 Transfer of any Shares shall be valid without the Sanction of the Court: A Copy of such Order or Decree shall forthwith be reported by the Company to the Registrar of Joint Stock Companies, who shall make a Minute thereof in his Books relating to the Company.

CLAUSE D.
Power of
Court of
Chancery to
remit wind-
ing-up to
Court of
Bankruptcy.

LXXII. In Cases where the Court of Chancery in England or 10 Ireland makes an Order for winding-up a Company, it may, if it thinks fit, direct all subsequent Proceedings for winding-up the same to be had in the Court of Bankruptcy having Jurisdiction within the District where the registered Office of the Company is situate; and upon such Order being made the Court of Bankruptcy therein 15 named shall have the same Jurisdiction with respect to winding-up such Company as it would have in a Case by this Act declared to be within its Jurisdiction.

Court to
cause Assets
to be col-
lected and
applied in
due Course.

LXXIII. As soon as may be after making an Order or Decree for winding up the Company the Court shall cause the Assets of the 20 Company to be collected, and applied in discharge of its Liabilities in a due Course of Administration.

Books of
Company to
be Evidence.

LXXIV. All Books, Accounts, and Documents of the Company, and of the official Liquidators herein-after mentioned, shall, as between the Contributories of the Company, be *prima facie* Evidence of the 25 Truth of all Matters therein contained, and purporting to be therein recorded.

Power of
Court to
make Calls.

LXXV. The Court may, at any Time after making an Order or Decree for winding up the Company, and before it has ascertained the Sufficiency of the Assets of the Company, or the Debts in 30 respect of which the several Classes of Contributories are liable, make Calls on all or any of the Contributories, to the Extent of their Liability, for Payment of all or any Sums it deems necessary to satisfy the Debts of the Company, and it may, in making a Call, take into consideration the Probability that some of the Shareholders upon 35 whom the same is made may partly or wholly fail to pay their respective Portion of the same.

Payment of
Money into
the Bank,

LXXVI. All Monies received under the Direction of the Court on account of the Sale or Conversion of any of the Assets of the Company, or in respect of Calls made on any Contributories, or of any 40 other

other Matter, shall be paid into such Bank, and to the Credit of such Account as the Court may direct; and no Money standing to such Account shall be paid out by the Bank except upon Cheques signed in such Manner as the Court directs.

- 5 LXXVII. The Court may, at any Time after the Presentation of a Petition for winding-up, upon the Application by Motion of any Creditor or Contributory, restrain further Proceedings in any Action or Suit against the Company; it may also, by Notice or Advertisement, require all Creditors to present and prove their Claims within a certain Time,
10 or be precluded from the Benefit of any Distribution which may be made before such Claim is proved.

Court may grant Injunction.

- LXXVIII. The Court may, at any Time after an Order or Decree has been made for winding up a Company, upon the Application of any Creditor or Contributory of the Company, and upon due Proof
15 that all Proceedings in relation to such winding-up ought in Justice to be stayed, make an Order staying the same, either altogether or for a limited Time, on such Terms and subject to such Conditions as it deems fit.

Power of Court to stay Proceedings.

- LXXIX. As soon as the Creditors are satisfied, the Court shall
20 proceed to adjust the Rights of the Contributories amongst themselves; and for the Purposes of such Adjustment it may make Calls on the Contributories to the Extent of their Liability for Payment of such Sums as it deems necessary; and it may, in making a Call, take into consideration the Probability that some of the Shareholders
25 upon whom the same is made may partly or wholly fail to pay their respective Portion of the same.

CLAUSE E.
Power of Court to adjust Rights of Contributories.

- LXXX. The Court may make such Order as to the Costs, Charges, and Expenses incurred in winding-up any Company as it thinks just.

CLAUSE F.
Court may make Order as to Costs.

30 *Official Liquidators.*

- LXXXI. For the Purpose of conducting the Proceedings in winding-up a Company, and assisting the Court therein, the Court may, after requiring due Security appoint such Persons or Person, either provisionally or otherwise, as it thinks fit, to the Office of Official Liquidators; it may from Time to Time remove any Person or Persons so
35 appointed, and fill up any Vacancy occasioned by such Removal or by the Death or Resignation of any such Appointee or Appointees; if One Person only is appointed, he shall have all the Powers hereby given to several Liquidators; if more Persons than One are appointed,
40 the Court shall declare whether the Concurrence of all or any One or

Appointment of Official Liquidators.

more of such Persons is required to do any Act hereby required or authorized to be done by the Official Liquidators.

Style and
Duties of
Official
Liquidators.

LXXXII. The Official Liquidators or Liquidator shall be described by the Style of the Official Liquidators or Official Liquidator of the particular Company in respect of which they or he are or is appointed, 5 and not by their individual Names or Name; they or he shall take into their or his Custody all the Property, Effects, and Things in Actions of the Company, and shall perform such Duties in reference to the winding up of the Company as may be imposed by the Court.

Powers of
Official
Liquidators.

LXXXIII. The Official Liquidators shall have Power, with the 10 Sanction of the Court, to do the following Things,—

To bring or defend any Action, Suit, or Prosecution, or other legal Proceeding, Civil or Criminal, in the Name and on behalf of the Company:

To carry on the Business of the Company, so far as may be neces- 15 sary for the beneficial winding-up of the same:

To sell the Real and Personal and Heritable and Moveable Property, Effects, and Things in Action of the Company by Public Auction or Private Contract, with Power, if they think fit, to transfer the whole thereof to any Person or Company, or to sell the same in 20 Parcels:

To execute in the Name and on behalf of the Company all Deeds, Receipts, and other Documents they may think necessary, and for that Purpose to use, when necessary, the Company's Seal:

To refer Disputes to Arbitration, and compromise any Debts or 25 Claim:

To prove, claim, rank, and draw a Dividend, in the Matter of the Bankruptcy or Insolvency or Sequestration of any Contributory, for any Balance against the Estate of such Contributory, and to take and receive Dividends in respect of such Balance, in the 30 Matter of Bankruptcy or Insolvency or Sequestration, as a separate Debt due from such Bankrupt or Insolvent, and rateably with the other separate Creditors:

To draw, accept, make, and endorse any Bill of Exchange or Promissory Note, and also to raise upon the Security of the 35 Assets of the Company from Time to Time any requisite Sum or Sums of Money; and the drawing, accepting, making or endorsing of every such Bill of Exchange or Promissory Note as aforesaid on behalf of the Company shall have the same Effect with respect to the Liability of such Company as if such Bill or 40 Note had been drawn, accepted, made, or endorsed by such Company in the Course of carrying on the Business thereof:

To

To do and execute all such other Things as may be necessary for winding up the Affairs of the Company and distributing its Assets.

LXXXIV. The Court may appoint a Solicitor or Law Agent, and such Clerks or Officers as may be necessary to assist the Official Liquidators in the Performance of their Duties : There shall be paid to such Solicitor or Law Agent, Clerks and Officers, such Remuneration by way of Per-centage or otherwise as the Court directs.

Appoint-
ment of
Solicitor by
Official
Liquidators.

LXXXV. There shall be paid to the Official Liquidators such Salary or Percentage by way of Remuneration as the Court directs, not exceeding the Scale herein-after mentioned ; that is to say,

Remunera-
tion of
Official Li-
quidators.

In respect of all Monies not exceeding One hundred thousand Pounds arising from the Estate of such Company, received by the Official Liquidators, and paid or divided among the Creditors of the same under the Provisions of this Act, Five Pounds per Cent. :

In respect of all Monies exceeding One hundred thousand Pounds but not exceeding Two hundred thousand Pounds, Four Pounds per Cent. :

And in respect of all further Monies so divided exceeding Two hundred thousand Pounds, Three Pounds per Cent. :

If there are more Official Liquidators than One they shall be entitled to such Remuneration in equal Shares unless the Court directs otherwise.

LXXXVI. When the Affairs of the Company have been completely wound-up, the Court shall make an Order or Decree declaring the Company to be dissolved from the Date of such Order or Decree, and the Company shall be dissolved accordingly.

Dissolution
of Company.

LXXXVII. Any Order or Decree so made shall be reported by the Official Liquidators to the Registrar of Joint Stock Companies, who shall make a Minute accordingly in his Books of the Dissolution of such Company.

Registrar
to make
Minute of
Dissolution
of Company.

LXXXVIII. In England, the Lord Chancellor of Great Britain, with the Advice and Consent of the Master of the Rolls and any One of the Vice-Chancellors for the Time being, or with the Advice and Consent of any Two of the Vice-Chancellors, may, as often as Circumstances require, make such Rules concerning the Mode of proceeding to be had for winding up a Company as may from Time to Time seem necessary ; but until such Rules are made the Practice hitherto in use in winding-up Companies, except so far as is varied by this Act, shall be continued, and Official Liquidators shall be considered as occupying in all respects the Place of an Official Manager.

Lord Chan-
cellor, with
the Advice
and Consent
of Master of
Rolls and
Vice-Chan-
cellor, to
make Gene-
ral Rules
and Orders.

Power of
Lord Chan-
cellor of
Ireland to
make Rules.

LXXXIX. In Ireland, the Lord Chancellor of Ireland may, as respects the winding-up of Companies in Ireland, with the Advice and Consent of the Master of the Rolls in Ireland, exercise the same Power of making Rules as is by this Act herein-before given to the Lord Chancellor of Great Britain; but until such Rules are made the Practice hitherto in use in Ireland in winding-up Companies, except in so far as the same is altered by this Act, shall be continued, and Official Liquidators shall in all respects be considered as occupying the Place of an Official Manager. 5

CLAUSE G.

XC. In Scotland the Court of Session may, by Act of Sederunt, exercise the same Power as is herein-before given to the Lord Chancellor of Great Britain as regards England; and Official Liquidators shall in all respects be considered as possessing the same Powers as any Trustee on a Bankrupt Estate. 10

General
Practice of
Courts to be
followed
where not
varied under
this Act.

XCI. The general Practice of the Courts of Chancery in England and Ireland, and of the Courts of Session in Scotland, in Suits pending in the same Courts respectively, so far as the same may be applicable, and so far as the same is not inconsistent with this Act, or with any Rules or Orders or Decree to be made under this Act, shall apply to all Proceedings under this Act. 15 20

CLAUSE H.
Power of
Commis-
sioners of
Bankruptcy
to make
Rules.

XCII. Any Two Commissioners of Bankruptcy appointed by the Lord Chancellor of Great Britain may, as respects the Courts of Bankruptcy in England, and the Commissioners of Bankruptcy in Ireland may, as respects the Courts of Bankruptcy in Ireland, make Rules as they respectively from Time to Time, but subject to the Approval of the Lord Chancellors of Great Britain and Ireland respectively, think fit, for the Purpose of regulating the Proceedings in such Courts for winding-up Companies, but, subject to such Rules, the general Practice of the Courts of Bankruptcy in England and Ireland respectively, in Cases within the ordinary Jurisdiction of such Courts, shall, so far as the same is applicable, and not inconsistent with this Act, apply to all Proceedings under this Act, and any Order made by any Commissioner of Bankruptcy in such Proceedings may be enforced in the same Manner in which Orders within the ordinary Jurisdiction of such Court are enforced. 25 30 35

Rules to be
made with
respect to
Fees.

XCIII. The Lord Chancellor of Great Britain as respects the Courts of Chancery and Bankruptcy in England, the Lord Chancellor of Ireland as respects the Courts of Chancery and Bankruptcy in Ireland, the Court of Session by Act of Sederunt as respects Proceedings in such Court, may make Rules specifying the Fees to be paid in 40

in respect of Proceedings taken under the Third Part of this Act for winding-up a Company in such Courts respectively, and the Fees so paid shall be applied in the Manner in which Fees taken in such Courts in ordinary Proceedings are applied.

- 5 XCIV. The District Commissioners of the Court of Bankruptcy and the Judges of the County Courts in England who sit at Places more than Twenty Miles from the General Post Office, and the Commissioners of Bankrupt and the Assistant Barristers and Recorders in Ireland, and in all Cases relating to Mines within the Jurisdiction
 10 of the Stannaries Court in Cornwall the Vice-Warden or the Registrar of the said Court, and the Sheriff's of Counties in Scotland, shall be Commissioners for the Purpose of taking Evidence under the Third Part of this Act in Cases where any Company is wound up by the Courts of Chancery in England or Ireland; and it shall be lawful for
 15 such Court to refer the whole or any Part of the Examination of any Witnesses under the Third Part of this Act to any such Commissioner, although such Commissioner is out of the Jurisdiction of the Court by which the Order or Decree for winding-up the Company was made; and every such Commissioner shall, in addition to any
 20 Power of summoning and examining Witnesses, and requiring the Production or Delivery of Documents, and certifying or punishing Defaults by Witnesses, which he might lawfully exercise as a District Commissioner of the Court of Bankruptcy, Judge of a County Court, Commissioner of Bankrupt, Assistant Barrister, or Recorder, or as the
 25 Vice-Warden or the Registrar of the Stannaries Court, or as a Sheriff of a County, have in the Matter so referred to him all the same Powers of summoning and examining Witnesses, and requiring the Production or Delivery of Documents, and punishing Defaults by
 30 Witnesses, as the Court which made the Order for winding-up the Company has, and the Examination so taken shall be returned or reported to such last-mentioned Court in such Manner as it directs.

District Commissioners of Bankruptcy, and County Court Judges in England, and Commissioners of Bankrupt and Assistant Barristers in Ireland, and in certain Cases Vice-Warden or Registrar of Stannaries Court, to be Commissioners for receiving Evidence.

Voluntary Winding-up of Company.

- XCIV. A Company may be wound-up voluntarily,
 35 (1.) Whenever the Period, if any, fixed for the Duration of the Company by the Articles of Association expires, or whenever the Event, if any, occurs, upon the Occurrence of which it is provided by the Articles of Association that the Company is to be dissolved:
 40 (2.) Whenever the Company in General Meeting has passed a Special Resolution requiring the Company to be wound-up voluntarily.

Cases in which Company may be wound-up voluntarily.

Whenever a Company is wound-up voluntarily the Company shall, from the Date of the Commencement of such winding-up, cease to carry on its Business, except in so far as may be required for the beneficial winding-up thereof, but its Corporate State and all its Corporate Powers shall, notwithstanding any Provision to the contrary in its Deed of Settlement, continue until the Affairs of the Company are wound-up. 5

CLAUSE I.
Notice of
Resolution
to wind up
to be given
in Gazette.

XCVI. Notice of any Special Resolution to wind-up a Company shall be given, as respects Companies registered in England in the London Gazette, as respects Companies registered in Scotland in the Edinburgh Gazette, and as respects Companies registered in Ireland in the Dublin Gazette. 10

GeneralCon-
sequences of
voluntary
winding-up.

XCVII. The following Consequences shall ensue upon the voluntary winding-up of a Company,

- (1.) The Property of the Company shall be applied in satisfaction of its Liabilities, and, subject thereto, shall be distributed amongst the Shareholders in proportion to their Shares: 15
- (2.) Liquidators shall be appointed for the Purpose of winding-up the Affairs of the Company and distributing the Property:
- (3.) The Company in General Meeting may appoint such Person or Persons as it thinks fit to be a Liquidator or Liquidators, and may fix the Remuneration to be paid to them: 20
- (4.) If One Person only is appointed, all the Provisions herein contained in reference to several Liquidators shall apply to him: 25
- (5.) If no Appointment of Liquidators is made by the Company, the Persons who at the Time of the Commencement of the winding-up of the Company are Directors shall be Liquidators:
- (6.) When several Liquidators are appointed, every Power hereby given may be exercised by any Two of them: 30
- (7.) The Liquidators may at any Time after the passing of the Resolution for winding-up the Company, and before they have ascertained the Sufficiency of the Assets of the Company, or the Debts in respect of which the several Classes of Contributories are liable, call on all or any of the Contributories to the Extent of their Liability to pay all or any Sums they deem necessary to satisfy the Debts of the Company, and they may in making a Call take into consideration the Probability that some of the Contributories upon whom the same is made may partly or wholly fail to pay their respective Portion of the same: 35 40

(8.) The

- (8.) The Liquidators shall have all Powers herein-before vested in Official Liquidators, and may exercise the same without the Intervention of the Court :
- (9.) All Books, Papers, and Documents in the Hands of the Liquidators shall at all reasonable Times be open to the Inspection of the Shareholders :
- (9a.) When the Creditors are satisfied, the Liquidators shall proceed to adjust the Rights of the Contributories amongst themselves, and for the Purposes of such Adjustment they may make Calls on all the Contributories to the Extent of their Liability for any Sums they may deem necessary, and they may in making a Call take into consideration the Probability that some of the Shareholders upon whom the same is made may partly or wholly fail to pay their respective Portion of the same :
- (10.) As soon as the Affairs of the Company are fully wound-up, the Liquidators shall make up an Account showing the Manner of such winding-up, and the Disposal of the Property and Assets of the Company ; and such Account, with the Vouchers thereof, shall be laid before such Person or Persons as may be appointed by the Company to inspect the same ; and upon such Inspection being concluded the Liquidators shall proceed to call a General Meeting of the Shareholders for the Purpose of considering such Account ; but no such Meeting shall be deemed to be duly held unless One Month's previous Notice, specifying the Time, Place, and Object of such Meeting, has been published, as respects Companies registered in England in the " London Gazette," and as respects Companies registered in Scotland in the " Edinburgh Gazette," and as respects Companies registered in Ireland in the " Dublin Gazette :
- (11.) Such General Meeting shall not enter upon any Business except the Consideration of the Account ; but the Meeting may proceed to the Consideration thereof, notwithstanding the Quorum required by any Regulation of the Company to be present at General Meetings is not present thereat ; and if, on Consideration, the Meeting is of opinion that the Affairs of the Company have been fairly wound-up, they shall pass a Resolution to that Effect, and thereupon the Liquidators shall publish a Notice of such Resolution, as respects Companies registered in England in the " London Gazette," and as respects Companies registered in Scotland in the " Edinburgh Gazette," and as respects Companies registered in Ireland in the " Dublin Gazette," and shall also make a Return to the

26 *Joint Stock Companies. (Part IV. Registration Office.)*

Registrar of Joint Stock Companies of such Resolution, and on the Expiration of One Month from the Date of the Registration of such Return the Company shall be deemed to be dissolved :

- (12.) If within One Year after the passing of a Resolution for a winding-up the Affairs of the Company such Affairs are not wound-up, the Liquidators shall immediately thereafter make up an Account showing the State of the Affairs and the Progress which has been made in winding-up down to that Date, and they shall add thereto a Report stating the Reason why the winding-up has not been completed, and a General Meeting shall be called to consider the same, and so on from Year to Year until the winding-up of the Affairs of the Company is completed :

Expenses of winding-up Company. All Costs, Charges, and Expenses properly incurred in the voluntary winding-up of a Company, including the Remuneration of the Liquidators, shall be payable out of the Assets of the Company in priority to all other Claims. 15

PART IV.

Registration Office. 20

Constitution of Registration Office. XCVIII. The Registration of Companies shall be conducted as follows ; (that is to say,) 40

- (1.) The Board of Trade may from Time to Time appoint and remove such Registrars, Assistant Registrars, Clerks, and Servants as they may think necessary for the Registration of Companies under this Act : 25
- (2.) The Board of Trade may make such Regulations as they think fit with respect to the Duties to be performed by any such Registrars, Assistant Registrars, Clerks, and Servants as aforesaid : 30
- (3.) The Board of Trade may from Time to Time determine the Place or Places at which Offices for the Registration of Companies are to be established :
- (4.) The Board of Trade may from Time to Time direct a Seal or Seals to be prepared for the Authentication of any Documents required for or connected with the Registration of Companies : 35
- (5.) Every Person may inspect the Documents kept by the Registrar of Joint Stock Companies ; and there shall be paid for such Inspection such Fees as may be appointed by the Board of Trade, not exceeding One Shilling for each Inspection ; and any Person may require a Copy or Extract of any Document or any Part of any Document, to be certified by the Registrar ; and 40

and there shall be paid for such certified Copy or Extract such Fee as the Board of Trade may appoint, not exceeding Sixpence for each Folio of such Copy or Extract, or in Scotland for each Sheet of Two hundred Words; and such certified Copy shall be *prima facie* Evidence of the Matters therein contained in all legal Proceedings whatever:

(6.) The existing Registrar, Assistant Registrars, Clerks, and other Officers and Servants in the Office for the Registration of Joint Stock Companies, shall, during the Pleasure of the Board of Trade, hold the Offices, and receive the Salaries hitherto held and received by them, but they shall in the Execution of their Duties conform to any Regulations that may be issued by the Board of Trade:

(7.) There shall be paid to any Registrar, Assistant Registrar, Clerk, or Servant that may hereafter be employed in the Registration of Joint Stock Companies such Salary as the Board of Trade may, with the Sanction of the Commissioners of the Treasury, direct:

(8.) Whenever any Act is herein directed to be done to or by the Registrar of Joint Stock Companies, such Act shall, until the Board of Trade otherwise directs, be done in England to or by the existing Registrar of Joint Stock Companies, or in his Absence by the Assistant Registrar, and in Ireland to or by the existing Assistant Registrar of Joint Stock Companies for Ireland; but in the event of the Board of Trade altering the Constitution of the existing Registry Office such Act shall be done to or by such Officer or Officers and at such Place or Places as the Board of Trade may appoint.

PART V.

30 REPEAL OF FORMER ACTS, AND TEMPORARY PROVISIONS.

Repeal.

XCIX. After the passing of this Act "The Limited Liability Act, 1855," and the Act passed in the Eighth Year of the Reign of Her present Majesty, Chapter One hundred and ten, and intituled "An Act for the Registration, Incorporation, and Regulation of Joint Stock Companies," shall be repealed, except in so far as relates to Companies already completely registered, and except, as respects such last-mentioned Act, in so far as the same relates to Insurance Companies.

C. On or before the Third Day of November One thousand eight hundred and fifty-six, every Company, completely registered under the said Act of the Eighth Year of the Reign of Her present Majesty, shall enter in a Register of Shareholders the Names of all

[47.]

D 2

Persons

Partial
Repeal of
Limited
Liability Act
and 7 & 8
Vict. c. 110.

Existing
Companies
to keep
Register of
Share-
holders.

Persons who on such Day are Holders of Shares in such Company, and also, in the Case of a Limited Company, the Names of all Persons who have, during the Year immediately preceding such Day, and in the Case of any other Company, the Names of all Persons who have during the Three Years immediately preceding such Day, held any 5 Shares in the Company; and any Register so made shall contain all Particulars by this Act required to be contained in a Register of Shareholders; and if any such Company neglects to make such Register by the said Third Day of November One thousand eight hundred and fifty-six, it shall incur a Penalty not exceeding Fifty Pounds, and a 10 further Penalty not exceeding Five Pounds for any succeeding Day during which such Neglect continues.

Repeal of
7 & 8 Vict.
c. 110.,
10 & 11 Vict.
c. 78., and
18 & 19 Vict.
c. 133.

CI. On and after the Third Day of November One thousand eight hundred and fifty-six there shall be repealed,—

- (1.) The said Act passed in the Eighth Year of the Reign of Her 15 present Majesty, Chapter One hundred and ten, except in so far as relates to Insurance Companies;
- (2.) An Act passed in the Eleventh Year of the Reign of Her present Majesty, Chapter Seventy-eight, intituled “An Act 20
“ to amend an Act for the Registration, Incorporation, and
“ Regulation of Joint Stock Companies,” except as aforesaid;
- (3.) The Limited Liability Act, 1855.

Existing
Companies
to be
subject to
this Act.

And thereupon every Company, completely registered under the said Act of the Eighth Year of Her present Majesty, shall be deemed to be incorporated under this Act, and become subject to 25 the Provisions thereof; and the Provisions contained in the Deed of Settlement of any such Company shall be deemed to be Regulations of the Company, within the Meaning of this Act; but nothing herein contained shall prejudice or affect the Right of any Creditor upon Right accrued previously to the Third Day of November One thou- 30 sand eight hundred and fifty-six.

Repeal of
Winding-up
Acts 11 Vict.
c. 45. and
12 & 13 Vict.
c. 108.

CII. There shall be repealed, from and after the passing of this Act, so far as relates to Companies registered under this Act, and from and after the Third Day of November One thousand eight hundred and fifty-six, so far as relates to Companies registered under 35 the said Act of the Eighth Year of the Reign of Her present Majesty, the following Acts; that is to say,

- (1.) An Act passed in the Eleventh Year of the Reign of Her present Majesty, Chapter Forty-five, and intituled “An Act to 40
“ amend the Acts for facilitating the winding up of the Affairs
“ of Joint Stock Companies unable to meet their pecuniary En-
“ gagements, and also to facilitate the Dissolution and winding-
“ up of Joint Stock Companies and other Partnerships.”

(2) An

- (2.) An Act passed in the Thirteenth Year of the Reign of Her present Majesty, Chapter One hundred and eight, and intituled An Act “to amend the Joint Stock Companies Winding-up Act, 1848.”

CIII. No Repeal hereby enacted shall affect—

- 5 (1.) Anything duly done under any Acts hereby repealed before such Repeal comes into operation ; Saving Clause as to Repeal.
 (2.) Any Right acquired or Liability accrued under any such Acts before such Repeal comes into operation ;
 10 (3.) Any Penalty, Forfeiture, or other Punishment incurred or to be incurred in respect of any Offence against any such Acts committed before such Repeal comes into operation.

Temporary Provisions.

CIV. Any Company duly constituted by Law previously to the passing of this Act, and consisting of Seven or more Shareholders, Power for existing Companies to register under this Act.
 15 may, with the Consent of at least Three Fourths in Number and Value of such of its Shareholders as may be present, personally or by Proxy, at any General Meeting summoned for that Purpose, and upon complying with such Requisitions as are herein-after contained in respect of Registration, register themselves as a Company under
 20 this Act, with or without Limited Liability.

CV. In order to obtain such Registration as last aforesaid, any Company hereby authorized to obtain the same shall deliver to the Registrar of Joint Stock Companies a Statement specifying the following Particulars ; that is to say, Requisitions for Registration by existing Companies.

- 25 (1.) The nominal Capital of the Company, and the Number of Shares into which it is divided ;
 (2.) The Number of Shares taken and the Amount paid up on each Share ;
 30 (3.) The Liability of the Shareholders, whether it is to be limited or unlimited ;
 (4.) The Name of the proposed Company, with the Addition, in the Case of a Limited Company, of the Word “ Limited ” as the last Word thereof :

They shall also deliver to the Registrar, to be retained by him,
 35 firstly, any Act of Parliament, Charter, Letters Patent, Deed of Settlement, or other Instrument constituting or regulating the Company ; and, secondly, a List showing the Names and Addresses and Occupations of all Persons who on the Day of Registration are Holders of Shares in the Company, with the Addition of the Shares held by
 40 such Persons respectively, distinguishing each Share by its Number.

CLAUSE K.
Authentica-
tion of
Statements
of Company.

VI. The Correctness of any Statement and List so delivered to the Registrar shall be verified by a Declaration of the Directors of the Company delivering the same, or any Two of them, or of any Two other principal Officers of the Company, made in pursuance of the Act passed in the Sixth Year of the Reign of His late Majesty King William the Fourth, Chapter Sixty-two. 5

CLAUSE L.
Grant of
Certificate
of Registra-
tion.

CVII. Upon Compliance with the foregoing Requisitions, the Registrar of Joint Stock Companies shall certify under his Hand that the Company so applying for Registration is incorporated as a Company under this Act, and in the Case of a Limited Company, that it is limited, and thereupon all the Provisions of this Act shall apply to such Company in the same Manner in all respects as if it had been originally incorporated under this Act; subject nevertheless to the Reservations herein-after contained with respect to the existing Rights of Creditors and other Persons; but no such Certificate of Registration as is referred to in this Section shall be granted unless previous Notice of an Intention to apply for the same has been advertised once at the least in Four successive Weeks in some Newspaper circulating in the County in which the registered Office of the Company is situate. 10 15

CLAUSE M.
Power of
Company to
change
Name.

CVIII. Any such Company as aforesaid may, for the Purpose of obtaining Registration with Limited Liability, change its Name by adding thereto the Word "Limited," or do any other Act that may be necessary; but all Provisions contained in any Act of Parliament, Charter, Letters Patent, Deed of Settlement, or other Instrument constituting or regulating the Company shall be deemed to be Regulations of the Company within the Meaning of this Act. 20 25

CLAUSE N.
Certificate to
be Evidence
of Com-
pliance with
Act.

CIX. The Certificate of Registration given to any existing Company, in pursuance of this Act, shall be conclusive Evidence that all the Requisitions of this Act in respect of Registration have been complied with, and the Date of such Certificate shall be deemed to be the Date at which the Company is registered under this Act. 30

Saving of
Rights of
Creditors.

CX. The Registration of any existing Company under this Act shall not, nor shall any Act of the Company subsequent to such Registration, prejudice any Right which previously to such Registration has, or which would, if no such Registration had taken place, have accrued to any Creditor or other Person against the Company in its Corporate Capacity, or against any Person then being or having been a Member of such Company, but every such Creditor or other Person shall be entitled to all such Remedies against the Company in its Corporate Capacity, and against every Person then being or having been a Member of such Company, as he would have been entitled to in case such Registration had not taken place. 35 40

SCHE-

SCHEDULE.

FORM A.

Section VII.

Memorandum of Association of the "Eastern Steam Packet Company Limited."

1st. The Name of the Company is "The Eastern Steam Packet Company Limited."

2d. The Objects for which the Company is established are, "the Conveyance of Passengers and Goods in Ships or Boats between such Places as the Company may from Time to Time determine, and the doing all such other Things as are incidental or conducive to the Attainment of the above Object."

3d. The Liability of the Shareholders is "Limited."

4th. The nominal Capital of the Company is Two hundred thousand Pounds, divided into One thousand Shares of Two hundred Pounds each.

WE, the several Persons whose Names and Addresses are subscribed, are desirous of being formed into a Company, in pursuance of this Memorandum of Association, and we respectively agree to take the Number of Shares in the Capital of the Company set opposite our respective Names.

Names and Addresses of Subscribers.			Number of Shares taken by each Subscriber.
" 1. John Jones of	in the County of	-	200
" 2. John Smith of	in the County of	-	25
" 3. Thomas Green of	in the County of	-	30
" 4. John Thompson of	in the County of	-	40
" 5. Caleb White of	in the County of	-	15
" 6. Andrew Brown of	in the County of	-	5
" 7. Cæsar White of	in the County of	-	10
Total Shares taken			325

Dated the 22d Day of November 1856.

Witness to the above Signatures,

A.B., No. 13, Hute Street, Clerkenwell, Middlesex.

Section IX.

TABLE B.

REGULATIONS FOR MANAGEMENT OF THE COMPANY.

SHARES.

- (1.) No Person shall be deemed to have accepted any Share in the Company unless he has testified his Acceptance thereof by Writing under his Hand, in such Form as the Company from Time to Time directs.
- (2.) The Company may from Time to Time make such Calls upon the Shareholders in respect of all Monies unpaid on their Shares as they think fit, provided that Twenty-one Days Notice at least is given of each Call, and each Shareholder shall be liable to pay the Amount of Calls so made to the Persons and at the Times and Places appointed by the Company.
- (3.) A Call shall be deemed to have been made at the Time when the Resolution authorizing such Call was passed.
- (4.) If before or on the Day appointed for Payment any Shareholder does not pay the Amount of any Call to which he is liable, then such Shareholder shall be liable to pay Interest for the same at the Rate of Five Pounds per Cent. from the Day appointed for the Payment thereof to the Time of the actual Payment.
- (5.) The Company may, if they think fit, receive from any of the Shareholders willing to advance the same all or any Part of the Monies due upon their respective Shares beyond the Sums actually called for; and upon the Monies so paid in advance, or so much thereof as from Time to Time exceeds the Amount of the Calls then made upon the Shares in respect of which such Advance has been made, the Company may pay Interest at such Rate as the Shareholder paying such Sum in advance and the Company agree upon.
- (6.) If several Persons are registered as joint Holders of any Share, any One of such Persons may give effectual Receipts for any Dividend payable in respect of such Share.
- (7.) The Company may decline to register any Transfer of Shares made by a Shareholder who is indebted to them.
- (8.) Every Shareholder shall, on Payment of such Sum, not exceeding One Shilling, as the Company may prescribe, be entitled to a Certificate, under the Common Seal of the Company, specifying the Share or Shares held by him, and the Amount paid up thereon.
- (9.) If

- (9.) If such Certificate is worn out or lost, it may be renewed, on Payment of such Sum, not exceeding One Shilling, as the Company may prescribe.
- (9a.) The Transfer Books shall be closed during the Fourteen Days immediately preceding the ordinary General Meeting in each Year.

TRANSMISSION OF SHARES.

- (10.) The Executors or Administrators of a deceased Shareholder shall be the only Persons recognized by the Company as having any Title to his Share.
- (11.) Any Person becoming entitled to a Share in consequence of the Death, Bankruptcy, or Insolvency of any Shareholder, or in consequence of the Marriage of any Female Shareholder, or in any way other than by Transfer, may be registered as a Shareholder upon such Evidence being produced as may from Time to Time be required by the Company.
- (12.) Any Person who has become entitled to a transmitted Share may, instead of being registered himself, elect to have some Person to be named by him registered as a Holder of such Share.
- (13.) The Person so becoming entitled shall testify such Election by executing to his Nominee a Deed of Transfer of such Share.
- (14.) The Deed of Transfer shall be presented to the Company accompanied with such Evidence as they may require to prove the Title of the Transferor, and thereupon the Company shall register the Transferree as a Shareholder.

FORFEITURE OF SHARES.

- (15.) If any Shareholder fails to pay any Call due on the appointed Day, the Company may, at any Time thereafter, during such Time as the Call remains unpaid, serve a Notice on him, requiring him to pay such Call, together with any Interest that may have accrued by reason of such Nonpayment.
- (16.) The Notice shall name a further Day, and a Place or Places, being a Place or Places at which Calls of the Company are usually made payable, on and at which such Call is to be paid: It shall also state that in the event of Nonpayment at the Time and Place appointed the Shares in respect of which such Call was made will be liable to be forfeited.
- (17.) If the Requisitions of any such Notice as aforesaid are not complied with, any Share in respect of which such Notice has

been given may be forfeited by a Resolution of the Directors to that effect.

- (18.) Any Shares so forfeited shall be deemed to be the Property of the Company, and may be disposed of in such Manner as the Company think fit.
- (19.) Any Shareholder whose Shares have been forfeited shall, notwithstanding, be liable to pay to the Company all Calls owing upon such Shares at the Time of the Forfeiture.

INCREASE IN CAPITAL.

- (20.) The Company may, with the Sanction of the Company previously given in General Meeting, increase its Capital.
- (21.) Any Capital raised by the Creation of new Shares shall be considered as Part of the original Capital, and shall be subject to the same Provisions in all respects, whether with reference to the Payment of Calls, or the Forfeiture of Shares on Non-payment of Calls, or otherwise, as if it had been Part of the original Capital.

GENERAL MEETINGS.

- (22.) The First General Meeting shall be held at such Time, not being more than Twelve Months after the Incorporation of the Company, and at such Place, as the Directors may determine.
- (23.) Subsequent General Meetings shall be held at such Time and Place as may be prescribed by the Company in General Meeting; and if no other Time or Place is prescribed, a General Meeting shall be held on the First Monday in February in every Year, at such Place as may be determined by the Directors.
- (24.) The above-mentioned General Meetings shall be called Ordinary Meetings; all other General Meetings shall be called Extraordinary.
- (25.) The Directors may whenever they think fit, and they shall upon a Requisition made in Writing by any Number of Shareholders holding in the aggregate not less than One Fifth Part of the Shares of the Company, convene an Extraordinary General Meeting.
- (26.) Any Requisition so made by the Shareholders shall express the Object of the Meeting proposed to be called, and shall be left at the principal Office of the Company.
- (27.) Upon the Receipt of such Requisition the Directors shall forthwith proceed to convene a General Meeting: If they do
not

not proceed to convene the same within Twenty-one Days from the Date of the Requisition, the Requisitionists, or any other Shareholders holding the required Number of Shares, may themselves convene a Meeting.

- (28.) Seven Days Notice at the least, specifying the Place, the Time, the Hour of Meeting, and the Purpose for which any General Meeting is to be held, shall be given by Advertisement, or in such other Manner, if any, as may be prescribed by the Company.
- (29.) Any Shareholder may, on giving not less than Seven Days previous Notice, submit any Resolution to a Meeting beyond the Matters contained in the Notice given of such Meeting.
- (30.) The Notice required of a Shareholder shall be given by leaving a Copy of the Resolution at the registered Office of the Company.
- (31.) No Business shall be transacted at any Meeting except the Declaration of a Dividend unless at least One Tenth in Number of the Shareholders are present at the Commencement and Close of such Business; and no Business shall be transacted at any Meeting of which previous Notice has not been given in manner herein-before mentioned.
- (32.) If within One Hour from the Time appointed for the Meeting the required Number of Shareholders is not present, the Meeting, if convened upon the Requisition of the Shareholders, shall be dissolved: In any other Case it shall stand adjourned to the following Day, at the same Time and Place; and if at such adjourned Meeting the required Number of Shareholders is not present, it shall be adjourned sine die.
- (33.) The Chairman (if any) of the Board of Directors shall preside as Chairman at every Meeting of the Company.
- (34.) If there is no such Chairman, or if at any Meeting he is not present at the Time of holding the same, the Shareholders present shall choose some One of their Number to be Chairman of such Meeting.
- (35.) The Chairman may, with the Consent of the Meeting, adjourn any Meeting from Time to Time and from Place to Place, but no Business shall be transacted at any adjourned Meeting other than the Business left unfinished at the Meeting from which the Adjournment took place.
- (36.) At any General Meeting, unless a Poll is demanded by at least Five Shareholders, a Declaration by the Chairman that a Resolution has been carried, and an Entry to that Effect in the Book of Proceedings of the Company, shall be sufficient

Evidence of the Fact, without⁷ Proof of the Number or Proportion of the Votes recorded in favour of or against such Resolution.

- (37.) If a Poll is demanded in Manner aforesaid the same shall be taken in such Manner as the Chairman directs, and the Result of such Poll shall be deemed to be the Resolution of the Company in General Meeting.

VOTES OF SHAREHOLDERS.

- (38.) Every Shareholder shall have One Vote for every Share up to Ten; he shall have an additional Vote for every Five Shares beyond the first Ten Shares up to One hundred, and an additional Vote for every Ten Shares held by him beyond the first Hundred Shares.
- (39.) If any Shareholder is a Lunatic or Idiot he may vote by his Committee, Curator bonis, or other legal Curator; and if any Shareholder is a Minor he may vote by his Guardian, Tutor, or Curator, or any One of his Guardians, Tutors, or Curators, if more than One.
- (40.) If several Persons are jointly entitled to a Share or Shares the Person whose Name stands first in the Register of Shareholders as One of the Holders of such Share or Shares, and no other, shall be entitled to vote in respect of the same.
- (41.) No Shareholder shall be entitled to vote at any Meeting unless all Calls due from him⁸ have been paid.
- (42.) Votes may be given either personally or by Proxies: A Proxy shall be appointed in Writing under the Hand of the Appointor; or if such Appointor is a Corporation, under their Common Seal.
- (43.) No Person shall be appointed a Proxy who is not a Shareholder, and the Instrument or Mandate appointing him shall be transmitted to the Secretary at the registered Office of the Company Forty-eight Hours before the Time of holding the Meeting at which he proposes to vote.

DIRECTORS.

- (44.) The Term "Directors" shall include any Managers or other Superintendents of the Company, and if One Director, Manager, or Superintendent only is appointed, all Provisions herein contained with respect to Directors shall apply to him.
- (45.) The Number of the Directors, and the Names of the first Directors, shall be determined by the Subscribers of the Memorandum of Association.

(46.) Until

- (46.) Until Directors are appointed, the Subscribers of the Memorandum of Association shall for all the Purposes of this Act be deemed to be Directors.

POWERS OF DIRECTORS.

- (47.) The Business of the Company shall be managed by the Directors, who may exercise all such Powers of the Company as are not by this Act or by the Articles of Association declared to be exercisable by the Company in General Meeting, subject nevertheless to the Regulations of the Articles of Association, to the Provisions of this Act, and to such Regulations, being not inconsistent with the aforesaid Regulations or Provisions, as may be prescribed by the Company in General Meeting; but no Regulation made by the Company in General Meeting shall invalidate any prior Act of the Directors which would have been valid if such Regulation had not been made.

DISQUALIFICATION OF DIRECTORS.

- (48.) The Office of Director shall be vacated,—
- If he holds any other Office or Place of Profit under the Company ;
 - If he becomes bankrupt or insolvent ;
 - If he is concerned in or participates in the Profits of any Contract with the Company ;
 - If he participates in the Profits of any Work done for the Company :

But the above Rules shall be subject to the following Exceptions: That no Director shall vacate his Office by reason of his being a Shareholder in any incorporated Company which has entered into Contracts with or done any Work for the Company of which he is Director; nevertheless he shall not vote in respect of such Contract or Work; and if he does so vote his Vote shall not be counted, and he shall incur a Penalty not exceeding Twenty Pounds.

ROTATION OF DIRECTORS.

- (49.) At the First Ordinary Meeting after the Incorporation of the Company the whole of the Directors shall retire from Office; and at the First Ordinary Meeting in every subsequent Year One Third of the Directors for the Time being, or if their Number is not a Multiple of Three, then the Number nearest to One Third, shall retire from Office.
- (50.) The One Third or other nearest Number to retire during the First and Second Years ensuing the Incorporation of the Com-
- [47.] E 3 pany

pany shall, unless the Directors agree among themselves, be determined by Ballot: In every subsequent Year the One Third or other nearest Number who have been longest in Office shall retire.

- (51.) A retiring Director shall be re-eligible.
- (52.) The Company at the General Meeting at which any Directors retire in manner aforesaid shall fill up the vacated Offices by electing a like Number of fit Persons.
- (53.) If at any Meeting at which an Election of Directors ought to take place no such Election is made, the Meeting shall stand adjourned till the next Day, at the same Time and Place; and if at such adjourned Meeting no Election takes place, the former Directors shall continue to act until new Directors are appointed at the First Ordinary Meeting of the following Year.
- (54.) The Company may from Time to Time, in General Meeting, increase or reduce the Number of Directors, and may also determine in what Rotation such increased or reduced Number is to go out of Office.
- (55.) Any casual Vacancy occurring in the Board of Directors may be filled up by the Directors, but any Person so chosen shall retain his Office so long only as the vacating Director would have retained the same if no Vacancy had occurred.

PROCEEDINGS OF DIRECTORS.

- (56.) The Directors may meet together for the Despatch of Business, adjourn, and otherwise regulate their Meetings as they think fit, and determine the Quorum necessary for the Transaction of Business: Questions arising at any Meeting shall be decided by a Majority of Votes: In case of an Equality of Votes the Chairman, in addition to his original Vote, shall have a Casting Vote: A Director may at any Time summon a Meeting of the Directors.
- (57.) The Directors may elect a Chairman of their Meetings, and determine the Period for which he is to hold Office; but if no such Chairman is elected, or if at any Meeting the Chairman is not present at the Time appointed for holding the same, the Directors present shall choose some One of their Number to be Chairman of such Meeting.
- (58.) The Directors may delegate any of their Powers to Committees consisting of such Member or Members of their Body as they think fit: Any Committee so formed shall, in the Exercise of the Powers so delegated, conform to any Regulations that may be imposed on them by the Directors.

(59.) A

- (59.) A Committee may elect a Chairman of their Meetings: If no such Chairman is elected, or if he is not present at the Time appointed for holding the same, the Members present shall choose One of their Number to be Chairman of such Meeting.
- (60.) A Committee may meet and adjourn as they think proper: Questions at any Meeting shall be determined by a Majority of Votes of the Members present; and in case of an equal Division of Votes the Chairman shall have a Casting Vote.
- (61.) All Acts done by any Meeting of the Directors, or of a Committee of Directors, or by any Person acting as a Director, shall, notwithstanding that it be afterwards discovered that there was some Defect in the Appointment of any such Directors or Persons acting as aforesaid, or that they or any of them were disqualified, be as valid as if every such Person had been duly appointed and was qualified to be a Director.
- (62.) The Directors shall cause Minutes to be made in Books provided for the Purpose,—
- (1.) Of all Appointments of Officers made by the Directors;
 - (2.) Of the Names of the Directors present at each Meeting of Directors and Committees of Directors;
 - (3.) Of all Orders made by the Directors and Committees of Directors; and,
 - (4.) Of all Resolutions and Proceedings of Meetings of the Company, and of the Directors and Committees of Directors.

And any such Minute as aforesaid, if signed by any Person purporting to be the Chairman of any Meeting of Directors, or Committee of Directors, shall be receivable in Evidence without any further Proof.

- (63.) The Company, in General Meeting, may, by a special Resolution, remove any Director before the Expiration of his Period of Office, and appoint another qualified Person in his Stead: The Person so appointed shall hold Office during such Time only as the Director in whose Place he is appointed would have held the same if he had not been removed.

DIVIDENDS.

- (64.) The Directors may, with the Sanction of the Company in General Meeting, declare a Dividend to be paid to the Shareholders in proportion to their Shares.
- (65.) No Dividend shall be payable except out of the Profits arising from the Business of the Company:
- (66.) The Directors may, before recommending any Dividend, set aside out of the Profits of the Company such Sum as they

think proper as a reserved Fund to meet Contingencies, or for equalizing Dividends, or for repairing, or maintaining, the Works connected with the Business of the Company, or any Part thereof; and the Directors may invest the Sum so set apart as a reserved Fund upon such Securities as they, with the Sanction of the Company, may select.

- (67.) The Directors may deduct from the Dividends payable to any Shareholder all such Sums of Money as may be due from him to the Company on account of Calls or otherwise.
- (68.) All Dividend unclaimed for Three Years, after having been declared, may be forfeited by the Directors for the Benefit of the Company.
- (69.) No Dividend shall bear Interest as against the Company.

ACCOUNTS.

- (70.) The Directors shall cause true Accounts to be kept,—
 - Of the Stock in Trade of the Company;
 - Of the Sums of Money received and expended by the Company, and the Matter in respect of which such Receipt and Expenditure takes place; and,
 - Of the Credits and Liabilities of the Company:
 Such Accounts shall be kept, upon the Principle of Double Entry, in a Cash Book, Journal, and Ledger: The Books of Account shall be kept at the principal Office of the Company, and, subject to any reasonable Restrictions as to the Time and Manner of inspecting the same that may be imposed by the Company in General Meeting, shall be open to the Inspection of the Shareholders during the Hours of Business:
- (71.) Once at the least in every Year the Directors shall lay before the Company in General Meeting a Statement of the Income and Expenditure for the past Year, made up to a Date not more than Three Months before such Meeting.
- (72.) The Statement so made shall show, arranged under the most convenient Heads, the Amount of gross Income, distinguishing the several Sources from which it has been derived, and the Amount of gross Expenditure, distinguishing the Expense of the Establishment, Salaries, and other like Matters: Every Item of Expenditure fairly chargeable against the Year's Income shall be brought into Account, so that a just Balance of Profit and Loss may be laid before the Meeting; and in Cases where any Item of Expenditure which may in Fairness be distributed over several Years has been incurred in any One Year the whole Amount of such Item shall be stated, with the

the Addition of the Reasons why only a Portion of such Expenditure is charged against the Income of the Year.

- (72a.) A Balance Sheet shall be made out in every Year, and laid before the General Meeting of the Company, and such Balance Sheet shall contain a Summary of the Property and Liabilities of the Company arranged under the Heads appearing in the Form annexed to this Table, or as near thereto as Circumstances admit.
- (73.) A printed Copy of such Balance Sheet shall, Seven Days previously to such Meeting, be delivered at or sent by Post to the registered Address of every Shareholder.

AUDIT.

- (74.) The Accounts of the Company shall be examined and the Correctness of the Balance Sheet ascertained by One or more Auditor or Auditors to be elected by the Company in General Meeting.
- (75.) If more than One Auditor is appointed, all the Provisions herein contained relating to Auditors shall apply to him.
- (76.) The Auditors need not be Shareholders in the Company : No Person is eligible as an Auditor who is interested otherwise than as a Shareholder in any Transaction of the Company ; and no Director or other Officer of the Company is eligible during his Continuance in Office.
- (77.) The Election of Auditors shall be made by the Company at their Ordinary Meeting, or, if there are more than One, at their First Ordinary Meeting in each Year.
- (78.) The Remuneration of the Auditors shall be fixed by the Company at the Time of their Election.
- (79.) Any Auditor shall be re-eligible on his quitting Office.
- (80.) If any casual Vacancy occurs in the Office of Auditor, the Directors shall forthwith call an Extraordinary General Meeting for the Purpose of supplying the same.
- (81.) If no Election of Auditors is made in manner aforesaid, the Board of Trade may, on the Application of One Fifth in Number of the Shareholders of the Company, appoint an Auditor for the current Year, and fix the Remuneration to be paid to him by the Company for his Services.
- (82.) Every Auditor shall be supplied with a Copy of the Balance Sheet, and it shall be his Duty to examine the same, with the Accounts and Vouchers relating thereto.
- (83.) Every Auditor shall have a List delivered to him of all Books kept by the Company, and he shall at all reasonable Times have

Access to the Books and Accounts of the Company: He may, at the Expense of the Company, employ Accountants or other Persons to assist him in investigating such Accounts, and he may in relation to such Accounts examine the Directors or any other Officer of the Company.

- (84.) The Auditors shall make a Report to the Shareholders upon the Balance Sheet and Accounts, and in every such Report they shall state whether, in their Opinion, the Balance Sheet is a full and fair Balance Sheet, containing the Particulars required by this Act, and properly drawn up so as to exhibit a true and correct View of the State of the Company's Affairs, and in case they have called for Explanations or Information from the Directors, whether such Explanations or Information have been given by the Directors, and whether they have been satisfactory; and such Report shall be read, together with the Report of the Directors, at the Ordinary Meeting.

NOTICES.

- (85.) Notices requiring to be served by the Company upon the Shareholders may be served either personally, or by leaving the same or sending them through the Post in a Letter addressed to the Shareholders at their registered Places of Abode.
- (86.) All Notices directed to be given to the Shareholders shall, with respect to any Share to which Persons are jointly entitled, be given to whichever of the said Persons is named first in the Register of Shareholders; and Notice so given shall be sufficient Notice to all the Proprietors of such Share.
- (87.) All Notices required by this Act to be given by Advertisement shall be advertised in a Newspaper circulating in the County in which the registered Office of the Company is situate
-

FORM of BALANCE SHEET referred to in TABLE B.

Dr. BALANCE SHEET of the Co. made up to 18 . Cr.

CAPITAL AND LIABILITIES.				PROPERTY AND ASSETS.			
I. CAPITAL -	Showing :	£	s. d.	III. PROPERTY held by the Company -	Showing :	£	s. d.
1.	The total Amount received from the Shareholders; showing also : (a.) The Number of Shares - (b.) The Amount paid per Share - (c.) If any Arrears of Calls, the Nature of the Arrear, and the Names of the Defaulters, Any Arrears due from any Director or Officer of the Company to be separately stated. (d.) The Particulars of any forfeited Shares.			4.	Immovable Property, distinguishing (a.) Freehold Land - (b.) " Buildings - (c.) Leasehold " -		
II. DEBTS AND LIABILITIES of the Company -	Showing :			5.	Movable Property, distinguishing (d.) Stock in Trade - (e.) Plant - The Cost to be stated with Deductions for Deterioration in Value as charged to the Reserve Fund or Profit and Loss.		
2.	The Amount of Loans on Mortgage or Debenture Bonds.			6.	Debts considered good for which the Company hold Bills or other Securities.		
3.	The Amount of Debts owing by the Company, distinguishing - (a.) Debts for which Acceptances have been given. (b.) Debts to Tradesmen for Supplies of Stock in Trade or other Articles. (c.) Debts for Law Expenses. (d.) Debts for Interest on Debentures or other Loans. (e.) Unclaimed Dividends. (f.) Debts not enumerated above.			7.	Debts considered good for which the Company hold no Security.		
VI. RESERVE FUND -	Showing :			8.	Debts considered doubtful and bad - Any Debt due from a Director or other Officer of the Company to be separately stated.		
	The Amount set aside from Profits to meet Contingencies.			9.	Showing : The Nature of Investment and Rate of Interest.		
VII. PROFIT AND LOSS -	Showing :			10.	The Amount of Cash, where lodged, and if bearing Interest.		
	The disposable Balance for Payment of Dividend, &c.						
CONTINGENT LIABILITIES -	Claims against the Company not acknowledged as Debts. Monies for which the Company is contingently liable.						

“ It is agreed as follows:—

“ 1st. The said John Smith is to receive Five Shares in the Company as his Remuneration for the Transfer of his Patent Right. Such Shares are to be considered as paid-up Shares, and no Call is to be made in respect thereof. In addition, he is to receive a Salary of One hundred Pounds per Annum so long as he continues in the Service of the Company.

“ 2d. No Shareholder shall transfer his Shares without the Consent of the Directors expressed in Writing.

“ 3d. No Alterations shall be made in any of the Regulations contained herein or in the Memorandum of Association, but Alterations may be made in the Table B. of the Schedule to the ‘ Joint Stock Companies Act, 1856,’ in manner in such Act mentioned.

“ 4th. If any Shareholder feels aggrieved with the Refusal of the Directors to allow him to transfer his Shares, the Matter shall be settled by Arbitration.

“ 5th. Calls on the Shares of the Company not considered as paid up Shares shall be made at such Time as the Directors think fit; but no Call shall exceed Ten Pounds per Share.

“ 6th. The Company shall not be obliged to register the Transferree under the Regulation numbered Twelve in the said Table unless he is approved by the Directors, but in the event of their disapproving the Matter may be decided by Arbitration.

“ 7th. The Regulations of Table B. as to General Meetings numbered 22, 23, and 25 shall not apply.

“ 8th. The First General Meeting of the Company shall be held on the First of July next, and subsequent General Meetings shall be held on the First of July on every succeeding Year, or if that is a Sunday on the succeeding Monday.

“ 9th. An Extraordinary General Meeting may be summoned at any Time by any Two Shareholders of the Company.

“ 10th. All Matters in question between the Shareholders shall be decided by an Arbitrator appointed by the Manchester Chamber of Commerce.

“ 11th. The Regulation of Table B. as to Votes of Shareholders, numbered Thirty-eight, shall not apply, and every Shareholder shall have One Vote in respect of every Share that he holds.

“ The several Persons herein-after named, Subscribers to the Memorandum of Association, shall be the First Directors of the Company; that is to say, John Jones, Thomas Green, John Thompson, Caleb White, Andrew Brown, and Abel Brown.

Names and Addresses of Subscribers.

“ 1. John Jones of in the County of
“ 2. John Smith of in the County of
“ 3. Thomas Green of in the County of
“ 4. John Thomson of in the County of
“ 5. Caleb White of in the County of
“ 6. Andrew Brown of in the County of
“ 7. Abel Brown of in the County of

Witness to the above Signatures,
A.B.,
No. 20, Bond Street, Middlesex.

Section XII.

TABLE D.

TABLE OF FEES.

For Registration of a Company whose nominal Capital does not exceed 1,000 <i>l</i> .	£	s.	d
- - - - -	5	0	0
For every 1,000 <i>l</i> . of nominal Capital, or Part of 1,000 <i>l</i> ., after the first 1,000 <i>l</i> ., and up to 100,000 <i>l</i> ., an additional Fee of - - - - -	0	5	0
For every 1,000 <i>l</i> . or Part of 1,000 <i>l</i> . after the First 100,000 <i>l</i> ., an additional Fee of - - - - -	0	1	0
For Registration of any Increase in the Capital of a Company for every 1,000 <i>l</i> . or Part of 1,000 <i>l</i> ., up to 100,000 <i>l</i> . in the whole - - - - -	0	5	0
For every 1,000 <i>l</i> . or Part of 1,000 <i>l</i> . beyond the First 100,000 <i>l</i> ., an additional Fee of - - - - -	0	1	0
For Registration of any existing Company, the same Fee as is charged for registering a new Company.			
For registering any Document hereby required or authorized to be registered, other than the Memorandum of Association - - - - -	0	5	0
For making a Record of any Fact hereby authorized or required to be recorded by the Registrar of Companies, a Fee of - - - - -	0	5	0
For the Perusal of Documents per Folio - - - - -	0	0	6

Section.
XIX.

FORM F.

Form of Transfer of Shares.(a) These
Words will
be omitted
if no Consi-
deration is
paid.

I of (a) in consideration of
the Sum of paid to me by
of do hereby transfer to the said
Share [*or* Shares], numbered in "The
Company" standing in my Name in the
Books of the Company, to hold unto the said
his Executors, Administrators, and Assigns, [*or* Successors and
Assigns,] subject to the several Conditions on which I held the same
at the Time of the Execution hereof; and I the said
do hereby agree to take the said Share [*or* Shares] subject
to the same Conditions. As witness our Hands, the
Day of

Section.
XLII.

FORM G.

For England and Ireland.

Indenture of Mortgage made between the "London Gas Company Limited" of the one Part, and "John Smith" of the other Part.

Whereas the said "John Smith" has advanced to the said Company the Sum of One thousand Pounds, on condition that the Company will repay the same to him on the First Day of January next, with Interest thereon in the meantime at the Rate of Five Pounds per Centum; and in the event of their not repaying the same on the said First of January will, so long as the same remains unpaid, pay Interest thereon at the Rate of Five Pounds per Centum by equal half-yearly Payments on the First Day of July and the First Day of January in every Year.

Now it is hereby witnessed, that for securing the said Advance and Interest the Company hereby grant to the said "John Smith" and his Heirs all the Lands described in the Schedule hereto, with all their actual and reputed Appurtenances; and it is hereby declared, that if the Company fails in paying the whole of the Principal and Interest Monies hereby secured on the said First of January the said "John Smith," or any Person for the Time entitled to such Monies, may, at any Time thereafter, upon giving to the Company Three Months Notice, sell the said mortgaged Lands, and reimburse himself out of the Monies arising from the Sale all Sums due on this Security, and all Expenses incurred by him in respect of such Sale, rendering the Surplus, if any, to the Company or their Assigns. The Condition as to Notice shall apply only between the Parties to this Indenture, and shall not affect a Purchaser, a Sale to whom shall be valid notwithstanding such Notice may not have been given.

In witness, &c.

FORM H

For Scotland.

Section
XLIII.

Bond and Disposition in Security by the "London Gas Company Limited" to "John Smith."

Whereas the said "John Smith" has advanced to the said Company the Sum of One thousand Pounds, on condition that the Company will repay the same to him on the First Day of January next, with Interest thereon in the meantime at the Rate of Five Pounds per Centum; and in the event of their not repaying the same on the said First of January will, so long as the same remains unpaid, pay Interest thereon at the Rate of Five Pounds per Centum by equal half-yearly Payments on the First Day of July and the First Day of January in every Year.

Therefore, for securing the said Advance and Interest, the said Company hereby dispose to the said "John Smith," and his Heirs and Assignees whomsöever, all and whole (describe the Lands), and it is hereby declared that if the Company fails in paying the whole of the Principal and Interest Monies hereby secured on the said First of January the said "John Smith," or any Person for the Time entitled to such Monies, may, at any Time thereafter, upon giving to the Company Three Months Notice, sell the said Lands, and reimburse himself out of the Monies arising from the Sale all Sums due on this Security, and all Expenses incurred by him in respect of such Sale, rendering the Surplus, if any, to the Company or their Assigns, the Condition as to Notice shall apply only between the Parties to this Indenture, and shall not affect a Purchaser, a Sale to whom shall be valid notwithstanding such Notice may not have been given.

In witness whereof.

(To be tested and signed in common Form.)

Joint Stock Companies,

A

B I L L

[AS AMENDED IN COMMITTEE]

For the Incorporation and Regulation of Joint
Stock Companies and other Associations.

*(Prepared and brought in by
Mr. FitzRoy, Mr. Lowe, and Viscount Palmerston.)*

*Ordered, by The House of Commons, to be Printed,
25 February 1856.*

[Bill 47.]

Under 8 oz.

Joint Stock Companies Bill.

[AS AMENDED IN COMMITTEE AND ON RE-COMMITMENT.]

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4.	Prohibition against Partnerships exceeding a certain Number - - - -	
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9.	Articles of Association may prescribe Regulations - - - -	
10.	Form and Effect of Articles of Association - - - -	
11.	Stamp on Memorandum of Association and Articles of Association, and Use of printed Copies - - - -	
12.	Registration of Memorandum of Association and Articles of Association - - - -	
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18.	Definition of Shareholder - - - -	8 Vict. c. 16. s. 20.
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20.	Certificate of Shares - - - -	8 Vict. c. 16. s. 11 & 12.
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[Bill 87.]

Sect.

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A

B I L L

[AS AMENDED IN COMMITTEE AND
ON RE-COMMITMENT]

FOR

The Incorporation and Regulation of Joint Stock Companies and other Associations.

[Note.—*The Clauses marked A. to N. were added in Committee, and
the Clauses marked O. to Q. on Re-commitment.*]

WHEREAS it is expedient that the Law relating to the Preamble.
Incorporation and Regulation of Joint Stock Companies
and other Associations should be consolidated and amended:

Be it therefore enacted by the Queen's most Excellent Majesty, by
5 and with the Advice and Consent of the Lords Spiritual and Tem-
poral, and Commons, in this present Parliament assembled, and by the
Authority of the same, as follows:

I. This Act may be cited for all Purposes as "The Joint Stock Short Title
Companies Act, 1856." of Act.

10 II. This Act shall not apply to Persons associated together for the Act not to
Purpose of Banking or Insurance. apply to
Banking
and Insur-
ance Com-
panies.

PART I.

CONSTITUTION AND INCORPORATION OF COMPANIES AND ASSOCIATIONS.

Registry.

15 III. Seven or more Persons, associated for any lawful Purpose, Company
may, by subscribing their Names to a Memorandum of Association, formed by
and otherwise complying with the Requisitions of this Act in respect Memoran-
dum of
[Bill 87.] A of

2 *Joint Stock Companies. (Part I. Constitution, &c.)*

Association and Registration. of Registration, form themselves into an Incorporated Company, with or without Limited Liability.

Prohibition against Partnerships exceeding a certain Number. IV. Not more than Twenty Persons shall, after the Third Day of November One thousand eight hundred and fifty-six, carry on in Partnership any Trade or Business having Gain for its Object, 5 unless they are registered as a Company under this Act, or are authorized so to carry on Business by some Private Act of Parliament or by Royal Charter or Letters Patent, or are engaged in working Mines within and subject to the Jurisdiction of the Stan- 10 naries; and if any Persons carry on Business in Partnership contrary to this Provision, every Person so acting shall be severally liable for the Payment of the whole Debts of the Partnership, and may be sued for the same without joining in the Action or Suit any other Members of the Partnership.

Matters required to be prescribed by Memorandum of Association. V. The Memorandum of Association shall prescribe the following 15 Things; (that is to say,) 1. The Name of the proposed Company ; 2. The Objects for which the proposed Company is to be established ; 3. The Liability of the Shareholders, whether it is to be limited or unlimited ; 20 4. The Amount of the nominal Capital of the proposed Company ; 5. The Number of Shares into which such Capital is to be divided, and the Amount of each Share; subject to the following Restriction : That in the Case of a Company formed with Limited Liability, and 25 herein-after called a Limited Company, the Word " Limited " shall be the last Word in the Name of the Company.

Prohibition as to Name of Companies. VI. No Company shall be registered under a Name identical with that by which a subsisting Company is already registered, or so nearly resembling the same as to be calculated to deceive. 30

Form of Memorandum of Association. VII. The Memorandum of Association shall be in the Form marked A. in the Schedule hereto, or as near thereto as Circumstances admit, and it shall, when registered, bind the Company and the Shareholders therein to the same Extent as if each Shareholder had sub- 35 scribed his Name and affixed his Seal thereto or otherwise duly executed the same, and there were in such Memorandum contained, on the Part of Himself, his Heirs, Executors, and Administrators, a Covenant to conform to all the Regulations of such Memorandum, subject to the Provisions of this Act.

Shares to be taken by Subscribers of Memorandum of Association. VIII. Every Subscriber of the Memorandum of Association shall 40 take One Share at the least in the Company; The Number of Shares taken by each Subscriber shall be set opposite his Name in such Memorandum

Memorandum of Association, and upon the Incorporation of the Company he shall be entered in the Register of Shareholders hereinafter mentioned as a Shareholder to the Extent of the Shares he has taken.

- 5 IX. The Memorandum of Association may be accompanied by Articles of Association, signed by the Subscribers to the Memorandum of Association, and prescribing Regulations for the Company; but if no such Regulations are prescribed, or so far as the same do not extend to modify
 10 the Regulations contained in the Table marked B. in the Schedule hereto, such last-mentioned Regulations shall, so far as the same are applicable, be deemed to be the Regulations of the Company, and shall bind the Company and the Shareholders therein to the same Extent as if they had been inserted in Articles of Association, and
 15 such Articles had been registered: Any Regulation contained in the Articles of Association inconsistent with any of the Provisions of this Act shall be void.

Articles of Association may prescribe Regulations.

- X. The Articles of Association shall be in the Form marked C. in the Schedule hereto, or as near thereto as Circumstances admit: They shall, when registered, bind the Company and the Shareholders
 20 therein to the same Extent as if each Shareholder had subscribed his Name and affixed his Seal thereto or otherwise duly executed the same, and there were in such Articles contained, on the Part of himself, his Heirs, Executors, and Administrators, a Covenant to conform to all the Regulations of such Articles, subject to the
 25 Provisions of this Act.

Form and Effect of Articles of Association

- XI. The Memorandum of Association and the Articles of Association shall respectively bear the same Stamps as if they were Deeds: Any Person signing a printed Copy of the Memorandum of Association or Articles of Association shall be deemed to have
 30 signed such Memorandum and Articles respectively, and where the proper Stamp has been duly fixed on such Memorandum of Association or Articles of Association it shall not be necessary to stamp any printed Copy so signed: The Execution by any Person of the Memorandum of Association or Articles of Association shall be
 35 attested by One Witness at the least; and Attestation by One Witness shall be sufficient Attestation in Scotland as well as in England.

Stamp on Memorandum of Association and Articles of Association, and Use of printed Copies.

- XII. The Memorandum of Association and Articles of Association shall be registered by the Registrar of Joint Stock Companies.
 40 There shall be paid to the Registrar of Joint Stock Companies, in respect of the several Matters mentioned in the Table marked D. in the Schedule hereto, the several Fees therein specified, or such

Registration of Memorandum of Association and Articles of Association.

smaller Fees as the Board of Trade may from Time to Time direct; and all Fees so paid shall be paid into the Receipt of Her Majesty's Exchequer, and be carried to the Account of the Consolidated Fund of the United Kingdom of Great Britain and Ireland.

Effect of XIII. Upon any such Memorandum of Association, either with or 5
Registration. without Articles of Association as aforesaid, being registered, the Registrar shall certify under his Hand that the Company is incorporated, and in the Case of a Limited Company that the Company is limited: The Subscribers of the Memorandum of Association, together with such other Persons as may from Time to Time become 10 Shareholders in the Company, shall thereupon be a Body Corporate by the Name prescribed in the Memorandum of Association, having a perpetual Succession and a Common Seal, with Power to hold Lands; but with such pecuniary Liability on the Part of the Shareholders as is herein-after mentioned: The Certificate of Incorporation given by 15 the Registrar shall be conclusive Evidence that all the Requisitions of this Act in respect of Registration have been complied with; and the Date of such Certificate shall be deemed to be the Date of the Incorporation of the Company.

Power of XIV. As soon as a Certificate of Incorporation has been granted 20
Subscribers to issue Shares. by the Registrar of Joint Stock Companies, the Subscribers to the Memorandum of Association may issue Certificates of Shares to themselves and to other Persons to whom Shares may be allotted: The Shares so issued shall be Personal Estate, and shall not be of the Nature of Real Estate: And each Share shall be distinguished 25 by its appropriate Number.

Register of Shareholders.

Manner of XV. Every Company registered under this Act, herein-after
keeping Register of Shareholders. referred to as "the Company," shall cause to be kept in One or more Books a Register of Shareholders, and there shall be entered 30 therein the following Particulars:

- (1.) The Names, Addresses, and Occupations of the Shareholders in the Company, and the Shares held by each of them, distinguishing each Share by its Number:
- (2.) The Amount paid on the Shares of each Shareholder: 35
- (3.) The Date at which the Name of any Person was entered in the Register as a Shareholder:
- (4.) The Date at which any Person ceased to be a Shareholder in respect of any Share.

Annual List XVI. Once at the least in every Year a List shall be made of 40
to be made of Shareholders. all Persons who on the Fourteenth Day succeeding the Day on which the Ordinary General Meeting of the Company, or, if there is more

more than One Ordinary Meeting in each Year, the First of such Ordinary General Meetings is held, are Holders of Shares in the Company; and such List shall state the Names, Addresses, and Occupations of all the Persons therein mentioned, and the Number of
5 Shares held by each of them, and shall contain a Summary specifying the following Particulars :

- (1.) The Amount of the nominal Capital of the Company, and the Number of Shares into which it is divided :
- (2.) The Number of Shares taken from the Commencement of the
10 Company up to the Date of the Summary :
- (3.) The Amount of Calls made on each Share :
- (4.) The total Amount of Calls that have been received :
- (5.) The total Amount of Calls unpaid.

The above List and Summary shall be contained in a separate Part
15 of the Register, and shall be in the Form marked E. in the Schedule hereto, or as near thereto as Circumstances admit.

XVII. If any Company registered under this Act makes default in keeping a Register of Shareholders, in compliance with the foregoing Rules, such Company shall incur a Penalty not exceeding Five
20 Pounds for every Day during which such Default continues.

Penalty on Company not keeping a proper Register.

XVIII. No Notice of any Trust, express or implied or constructive, shall be entered on the Register or receivable by the Company; and every Person who has accepted any Share in a Company registered under this Act, and whose Name is entered in the Register of Share-
25 holders, and no other Person (except a Subscriber to the Memorandum of Association in respect of the Shares subscribed for by him) shall for the Purposes of this Act be deemed to be a Shareholder.

Definition of Shareholder.

XIX. The Transfer of any Share in the Company shall be in the Form marked F. in the Schedule hereto, or to the like Effect, and
30 shall be executed both by the Transferror and Transferree: The Transferror shall be deemed to remain a Holder of such Share until the Name of the Transferree is entered in the Register Book in respect thereof.

Transfer of Shares.

XX. A Certificate, under the Common Seal of the Company, specifying any Share or Shares held by any Shareholder, shall be
35 primâ facie Evidence of the Title of the Shareholder to the Share or Shares therein specified.

Certificate of Shares.

XXI. The Amount of Calls for the Time being unpaid on any Share shall be deemed to be a Debt due from the Holder of such
40 Share to the Company.

Calls to be a Debt to Company.

Inspection
of Register
of Share-
holders.

XXII. The Register of Shareholders shall be kept at the registered Office of the Company herein-after mentioned; except when closed as herein-after mentioned, it shall during Business Hours, but subject to such reasonable Restrictions as the Company in General Meeting may impose, so that not less than Two Hours in each Day be appointed 5 for Inspection, be open to the Inspection of any Shareholder gratis, and to the Inspection of any other Person on the Payment of One Shilling, or such less Sum as the Company may prescribe for each Inspection; if such Inspection is refused, the Company shall incur for each Refusal a Penalty not exceeding Two Pounds, and a further 10 Penalty of Two Pounds for every Day during which such Refusal continues.

Power to
close Regis-
ter of Share-
holders.

XXIII. The Company may, upon giving Notice by Advertisement in some Newspaper circulating in the District in which the registered Office of the Company is situated, close the Register of Shareholders 15 for any Time or Times not exceeding on the whole Twenty-one Days in each Year, and the Period during which the Books are closed shall not be reckoned as Part of the Time within which a Transfer is to be registered.

Remedy for
improper
Entry or
Omission of
Entry in
Register.

XXIV. If the Name of any Person is without sufficient Cause 20 entered or omitted to be entered in the Register of Shareholders of any Company, such Person, or any Shareholder of the Company, may, as respects Companies registered in England or Ireland, by Motion in any of Her Majesty's Superior Courts of Law or Equity, and as respects Companies registered in Scotland by 25 Summary Petition to the Court of Session, apply to such Court for an Order that the Register may be rectified, and the Court may either refuse such Application, with or without Costs, to be paid by the Applicant, or it may, if satisfied of the Justice of the Case, make an Order for the Rectification of the Register, and may direct the Com- 30 pany to pay all the Costs of such Motion or Petition, and any Damages the Party aggrieved may have sustained; and if the Company makes default or is guilty of unnecessary Delay in registering any Transfer of Shares, they shall be responsible to any Person injured by such Default or Delay for the Amount of Damage he may thereby have 35 sustained.

Register to
be Evidence.

XXV. The Register of Shareholders shall be Evidence of any Matters by this Act directed or authorized to be inserted therein.

Copy of Me-
morandum
of Associa-
and Articles
of Associa-
tion to be
given to
Share-
holders.

XXVI. Copies of the Memorandum of Association and Articles of Association shall be forwarded to every Shareholder, at his Request, 40 on Payment of the Sum of One Shilling for each Copy, or such less Sum as may be prescribed by the Company.

PART II.

MANAGEMENT AND ADMINISTRATION OF COMPANIES.

General.

XXVII. The Company shall have a registered Office to which
5 all Communications and Notices may be addressed: If any
Company registered under this Act carries on Business without
having such an Office, they shall incur a Penalty not exceeding
Five Pounds for every Day during which Business is so carried on.

Registered
Office of
Company.

XXVIII. Notice of the Situation of such registered Office, and of
10 any Change therein, shall be given to the Registrar of Joint Stock Com-
panies, and recorded by him: Until such Notice is given the Company
shall not be deemed to have complied with the Provisions of this Act
with respect to having a registered Office.

Notice of
Situation of
Office to be
given.

XXIX. Every Limited Company registered under this Act shall
15 paint or affix, and shall keep painted or affixed, its Name on the
Outside of every Office or Place in which the Business of the Com-
pany is carried on, in a conspicuous Position, in Letters easily legible,
and shall have its Name engraven in legible Characters on its Seal,
and shall have its Name mentioned in legible Characters in all Notices,
20 Advertisements, and other official Publications of such Company,
and in all Bills of Exchange, Promissory Notes, Cheques, Orders
for Money, Bills of Parcels, Invoices, and Receipts of the Company.

Regulations
to be ob-
served by a
Limited
Company.

XXX. If any Limited Company registered under this Act does not
paint or affix, and keep painted or affixed, its Name, in manner
25 aforesaid, it shall be liable to a Penalty not exceeding Five Pounds
for not so painting or affixing its Name, and for every Day during
which such Name is not so kept painted or affixed; and if any Officer
of such Company, or any Person on its Behalf, uses any Seal purport-
ing to be a Seal of the Company whereon its Name is not so engraven
30 as aforesaid, or issues or authorizes the Issue of any Notice,
Advertisement, or other official Publication of such Company, or
of any Bill of Exchange, Promissory Note, Cheque, Order for Money,

Penalties to
be inflicted
for Non-
observance.

Bill of Parcels, Invoice, or Receipt, of the Company, wherein its Name is not mentioned in manner aforesaid, he shall be liable to a Penalty of Fifty Pounds, and shall further be personally liable to the Holder of any such Bill of Exchange, Promissory Note, Cheque, or Order for Money, for the Amount thereof, unless the same is duly paid 5 by the Company.

General Meeting of the Company.

XXXI. A General Meeting of the Company shall be held once at the least in every Year.

Power of Company to alter Memorandum of Association and Articles of Association, by Special Resolution.

XXXII. Any Company registered under this Act may in General Meeting, from Time to Time, by such Special Resolution as is herein- 10 after mentioned, repeal or alter and make new Provisions in lieu of any Regulations of the Company, including the Regulations contained in the Table marked B. in the Schedule.

Definition of Special Resolution.

XXXIII. A Resolution shall be deemed to be a Special Resolution of the Company whenever the same has been passed by Three Fourths 15 in Number and Value of such Shareholders of the Company as may be present in Person or by Proxy (in Cases where, by the Regulations of the Company, Proxies are allowed) at any Meeting, of which Notice specifying the Intention to propose such Resolution has been duly given, and such Resolution has been confirmed by a Majority of such 20 Shareholders as may be present in Person or by Proxy at a subsequent Meeting, of which Notice has been duly given, and held at an Interval of not less than One Month, nor more than Three Months, from the Date of the Meeting at which such Special Resolution was first passed. Unless a Poll is demanded by at least Five Shareholders a 25 Declaration of the Chairman of any such Meeting as aforesaid, that a Special Resolution has been carried, shall be deemed conclusive Evidence of the Fact, without Proof of the Number or Proportion of the Votes recorded in favour or against the same. Notice of any Meeting shall, for the Purposes of this Section, be 30 deemed to be duly given, and the Meeting to be duly held, whenever such Notice is given and Meeting held in manner prescribed by the Regulations of the Company.

Special Resolutions to be registered.

XXXIV. A Copy of any Special Resolution that is passed by any Company registered under this Act shall be forwarded to the Registrar 35 of Joint Stock Companies, and recorded by him: If such Copy is not so forwarded within Fifteen Days from the Date of the passing of the Resolution, the Company shall incur a Penalty not exceeding Two Pounds for every Day after the Expiration of such Fifteen Days 40 during which such Copy is omitted to be forwarded.

XXXV. A

XXXV. A Copy of any Special Resolution shall be given to any Shareholder on Payment of One Shilling, or of such less Sum as the Company may direct.

Copy of Special Resolution to be given to Shareholders.

XXXVI. Notice of any Increase in the nominal Capital of a Company shall be given to the Registrar of Joint Stock Companies within Fifteen Days from the Date of the passing of the Resolution by which such Increase has been authorized, and the Registrar shall forthwith record the Amount of such Increase: If such Notice is not given within the Period aforesaid the Company shall incur a Penalty not exceeding Five Pounds for every Day during which such Neglect to give Notice continues.

Notice to Registrar of Increase of Capital.

XXXVII. If any Company registered under this Act carries on Business when the Number of its Shareholders is less than Seven, every Person who is a Shareholder in such Company during the Time that it so carries on Business shall be severally liable for the Payment of the whole Debts of the Company contracted during such Time, and may be sued for the same without joining in the Action or Suit any other Shareholder.

CLAUSE A.
Prohibition against carrying on Business with less than Seven Shareholders.

XXXVIII. The Company shall cause Minutes of all Resolutions and Proceedings of General Meetings of the Company to be duly entered in Books to be from Time to Time provided for the Purpose, and any such Minute as aforesaid, if signed by any Person purporting to be the Chairman of such Meeting, shall be receivable in Evidence in all legal Proceedings, and until the contrary is proved every General Meeting in respect of the Proceedings of which Minutes have been so made shall be deemed to have been duly held and convened.

Evidence of Proceedings of Meetings.

Legal Instruments of Company.

XXXIX. Contracts on behalf of any Company registered under this Act may be made as follows; (that is to say,)

Rules as to Contracts.

(1.) Any Contract which if made between private Persons would be by Law required to be in Writing, and if made according to English Law to be under Seal, may be made on behalf of the Company in Writing under the Common Seal of the Company, and such Contract may be in the same Manner varied or discharged:

(2.) Any Contract which if made between private Persons would be by Law required to be in Writing, and signed by the Parties to be charged therewith, may be made on behalf of the Company in Writing signed by any Person acting under the express or implied Authority of the Company,

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and

and such Contract may in the same Manner be varied or discharged :

- (3.) Any Contract which if made between private Persons would by Law be valid although made by Parol only, and not reduced into Writing, may be made by Parol on behalf of the Com- 5
pany by any Person acting under the express or implied Authority of the Company, and such Contract may in the same Way be varied or discharged.

Execution of Deeds.

Power for
Attorney
to execute
Deeds
abroad.

XL. Any Company registered under this Act may, by Instru- 10
ment or Writing under their Common Seal, empower any Person, either generally or in respect of any specified Matters, as their Attorney to execute Deeds on their Behalf in any Place not situate in the United Kingdom, and every Deed signed by such Attorney, on behalf of the Company, and under his Seal, shall be binding on the 15
Company to the same Extent as if it were under the Common Seal of the Company.

Promissory
Notes and
Bills of
Exchange.

XLI. A Promissory Note or Bill of Exchange shall be deemed to have been made, accepted, or endorsed on behalf of any Company registered under this Act, if made, accepted, or endorsed in the Name 20
of the Company by any Person acting under the express or implied Authority of the Company.

Mortgages
by Company
according to
English Law.

XLII. In any Mortgage made according to English Law by any Company registered under this Act there shall be implied the following Covenants (unless Words expressly negating such Impli- 25
cation are contained therein); that is to say, a Covenant on the Part of the Company to pay the Money thereby secured, and Interest thereon, at the Time and Rate therein mentioned; a Covenant that they have Power to convey or assure the Property declared to be conveyed or assured to the Mortgagee free from Incumbrances; and 30
a Covenant for further Assurance of such Property, at the Expense of the Company, to the Mortgagee or any Person claiming through, under, or in trust for him; and if a Power of Sale is thereby given such Power shall imply an Authority to sell by Public Auction or Private Contract, altogether or in Parcels, and to make, rescind, or 35
vary Contracts for Sale or Resale without being liable for Loss, and also an Authority to give effectual Receipts for Purchase Monies, and such Mortgage may be in the Form marked G. in the Schedule hereto, or as near thereto as Circumstances admit.

CLAUSE B.
Bond and
Disposition
in Security

XLIII. In any Bond and Disposition in Security made according to 40
Scotch Law by any Company registered under this Act there shall be

be implied the following Obligations and Undertakings (unless Words expressly negating such Implication are contained therein); that is to say, an Obligation on the Part of the Company to pay the Money thereby secured, and Interest thereon, at the Time and Rate therein
5 mentioned; an Undertaking that they have Power to convey the Property declared to be conveyed to the Heritable Creditor free from Incumbrances; and an Obligation to make and execute, at the Expense of the Company, in favour of the Heritable Creditor, or any Person claiming through, under, or in trust for him, any further Deed
10 necessary to give Effect and Validity to the Security; and if a Power of Sale is thereby given, such Power shall imply an Authority to sell by Public Auction or Private Contract, altogether or in Parcels, and to make, rescind, or vary Contracts of Sale or Re-sale, without being liable for Loss, and also an Authority to give effectual Receipts for
15 Purchase Monies; and such Bond and Disposition in Security may be in the Form marked H. in the Schedule hereto, or as near thereto as Circumstances admit, and shall be registered in the General or Particular or Burgh Register of Sasines, as the Case may be, and being so registered shall be equivalent to a Bond and Disposition in
20 Security in ordinary Form, containing Power of Sale, and duly recorded in the Register of Sasines.

made by
Company
according to
Scotch Law.

XLIV. In any Conveyance or Assurance made according to English Law by any Company registered under this Act there shall be implied (unless Words expressly negating such Implication
25 are contained therein) the following Covenants on the Part of the Company; (that is to say,)

Conveyances
of Company
made ac-
cording to
English Law.

A Covenant that, notwithstanding any Act or Default done by the Company, they were at the Time of the Execution of such Conveyance or Assurance seised or possessed of the Lands or Premises thereby conveyed or assured for an indefeasible Estate
30 of Inheritance in Fee Simple, free from Incumbrances occasioned by them, or otherwise for such Estate or Interest as therein expressed to be assured, free from Incumbrances occasioned by them:

A Covenant that the Person to whom such Lands or Premises
35 are conveyed or assured, his Heirs, Successors, Executors, Administrators, and Assigns, (as the Case may be,) shall quietly enjoy the same against the Company and their Successors, and all other Persons claiming under them, and be indemnified and saved harmless by the Company and their Successors from all
40 Incumbrances occasioned by the Company:

A Covenant for further Assurance of such Lands or Premises at the Expense of the Person to whom the same are conveyed

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or

or assured, his Heirs, Successors, Executors, Administrators, or Assigns, (as the Case may be,) by the Company or their Successors, and all other Persons claiming under them.

CLAUSE C.
Disposition
made by
Company
according to
Scotch Law.

XLV. In any Disposition of Heritable Property granted according to Scotch Law by any Company registered under this Act there shall be implied, unless Words expressly excluding such Implication are contained therein, an Obligation of absolute Warrandice, and an Obligation to complete the Company's Title at its own Expense so far as necessary to validate or give full Effect to such Disposition, and an Obligation to grant also at its own Expense any further Deeds which may be necessary to render such Disposition effectual. 5 10

Examination of Affairs of Company.

Circum-
stancesunder
which Board
of Trade
may order
Examination
of Affairs of
Company.

XLVI. Upon the Application of One Fifth in Number and Value of the Shareholders of any Company registered under this Act, the Board of Trade may appoint One or more competent Inspectors to examine into the Affairs of the Company, and to report thereon in such Manner as the Board of Trade directs. 15

Inspection
of Books.

XLVII. It shall be the Duty of all Officers and Agents of the Company to produce for the Examination of the Inspectors all Books and Documents in their Custody or Power: Any Inspector may examine upon Oath the Officers and Agents of the Company in relation to its Business: If any Officer or Agent refuses to produce any such Book or Document, or to answer any Question relating to the Affairs of the Company, he shall incur a Penalty not exceeding Five Pounds in respect of each Offence. 20 25

Result of
Examination
how dealt
with.

XLVIII. Upon the Conclusion of the Examination the Inspectors shall report their Opinion to the Board of Trade. Such Report shall be written or printed, as the Board of Trade directs. A Copy shall be forwarded by the Board of Trade to the registered Office of the Company, and a further Copy shall, at the Request of the Shareholders upon whose Application the Inspection was made, be delivered to them or to any One or more of them. All Expenses of and incidental to any such Examination as aforesaid shall be defrayed by the Shareholders upon whose Application the Inspectors were appointed. 30

Company
may appoint
Inspectors.

XLIX. Any Company registered under this Act may in General Meeting appoint Inspectors for the Purpose of examining into the Affairs of the Company: The Inspectors so appointed shall have the same Powers and perform the same Duties as Inspectors appointed by the Board of Trade, with this Exception, that, instead of making their Report to the Board of Trade, they shall make the same in such 35 40

such Manner and to such Persons as the Company in General Meeting direct, and the Officers and Agents of the Company shall incur the same Penalties, in case of any Refusal to produce any Book or Document to such Inspectors, or to answer any Question, as they would
5 have incurred if such Inspectors had been appointed by the Board of Trade.

L. A Copy of the Report of any Inspectors appointed under this Act, authenticated by the Seal of the Company into whose Affairs they have made Inspection, shall be admissible as Evidence in
10 any legal Proceeding.

Copy of Report of Inspectors to be Evidence.

Notices.

LI. Any Summons or Notice requiring to be served upon the Company may be served by leaving the same, or sending it through the Post addressed to the Company, at their registered Office, or by
15 giving it to any Director, Secretary, or other principal Officer of the Company.

Notice on Company how served.

LII. Notices by Letter shall be posted in such Time as to admit of the Letter being delivered in the due Course of Delivery within the Period (if any) prescribed for the giving of such Notice; and
20 in proving such Service it shall be sufficient to prove that such Notice was properly directed, and that it was put into the Post Office.

Rule as to Notices by Letter.

LIII. Any Summons, Notice, Writ, or Proceeding requiring Authentication by the Company may be signed by any Director, Secretary, or other authorized Officer of the Company, and need not be under
25 the Common Seal of the Company, and the same may be in Writing or in Print, or partly in Writing and partly in Print.

Authentication of Notices of Company.

Legal Proceedings.

LIV. All Offences under this Act made punishable by any Penalty may be prosecuted summarily before Two or more Justices,
30 as to England in manner directed by an Act passed in the Session holden in the Eleventh and Twelfth Years of the Reign of Her Majesty Queen Victoria, Chapter Forty-three, intituled "An Act to
" facilitate the Performance of the Duties of Justices of the Peace out
" of Sessions within England and Wales with respect to Summary
35 " Convictions and Orders;" and as to Scotland, before Two or more Justices or the Sheriff of the County, in the Manner directed by the Act passed in the Session of Parliament holden in the Seventeenth and Eighteenth Years of the Reign of Her Majesty Queen Victoria, Chapter One hundred and four, intituled "An Act to amend and
40 " consolidate the Acts relating to Merchant Shipping," as regards Offences in Scotland against that Act, not being Offences which by
[87.] B 3 that

Recovery of Penalties.

that Act is described as a Felony or Misdemeanor; and as to Ireland, in the Manner directed by the Act passed in the Session holden in the Fourteenth and Fifteenth Years of the Reign of Her Majesty Queen Victoria, Chapter Ninety-three, intituled "An Act to consolidate and amend the Acts regulating the Proceedings of Petty Sessions, and the Duties of Justices of the Peace out of Quarter Sessions in Ireland," or any Act passed for the Amendment of the above-mentioned Acts.

Application
of Penalties.

LV. The Justices or Sheriff imposing any Penalty under this Act may direct the whole or any Part thereof to be applied in or towards Payment of the Costs of the Proceedings, or in or towards the rewarding the Person upon whose Information or at whose Suit such Penalty has been recovered; and, subject to such Direction, all Penalties shall be paid into the Receipt of Her Majesty's Exchequer, in such Manner as the Treasury may direct, and shall be carried to and form Part of the Consolidated Fund of the United Kingdom.

Alteration of Forms.

Board of
Trade may
alter Forms
in Schedule.

LVI. The Board of Trade may from Time to Time make such Alterations in the Forms and Tables contained in the Schedule hereto as they deem requisite, they shall publish any Form or Table when altered in the London Gazette, and upon such Publication being made, it shall have the same Force as if it were included in the Schedule to this Act.

PART III.

WINDING-UP.

25

Preliminary.

Application
of Part III.
of Act.

LVII. The Provisions of this Act relating to the winding-up of Companies shall apply to all Companies registered under this Act, and to all Companies registered under the Act passed in the Eighth Year of the Reign of Her present Majesty, Chapter One hundred and ten, and intituled "An Act for the Registration, Incorporation, and Regulation of Joint Stock Companies," from and after the Date at which they have obtained Registration anew under this Act in manner herein-after mentioned.

Definition of
"the Court."

LVIII. The Expression "the Court," as used in the Third Part of this Act, shall mean the following Authorities; (that is to say,)

In the Case of a Company engaged in working any Mine within and subject to the Jurisdiction of the Stannaries,—the Court of the Vice-Warden of the Stannaries:

In

In the Case of a Limited Company registered in England that is not engaged in working any such Mine as aforesaid, and whose nominal Capital does not exceed Five thousand Pounds,—the District Commissioners of the Court of Bankruptcy having
5 Jurisdiction over the District in which the registered Office of the Company is situate :

In the Case of a Limited Company registered in Ireland, whose registered nominal Capital does not exceed Five thousand Pounds,—the Commissioners of Bankrupt in Ireland :

10 In all Cases not herein-before provided for, the same Expression shall mean as respects Companies registered in England the High Court of Chancery of England, as respects Companies registered in Scotland the Court of Session in either Division thereof, and as respects Companies registered in Ireland the
15 Court of Chancery of Ireland.

And any Court to which Jurisdiction is given by the Third Part of this Act, not being the Court of Chancery or the Court of Session, shall, in addition to its ordinary Powers, have the same Power of enforcing any Orders made by it in pursuance of this Act, if in
20 England, as the Court of Chancery has, if in Scotland, as the Court of Session in either Division has, if in Ireland, as the Court of Chancery in Ireland has, in relation to Matters within the Jurisdiction of such Courts respectively.

LIX. In the event of any Company being wound up by the
25 Court or voluntarily the existing Shareholders shall be liable to contribute to the Assets of the Company to an Amount sufficient to pay the Debts of the Company, with this Qualification, that if the Company is limited no Contribution shall be required from any Shareholder exceeding the Amount, if any, unpaid on the Shares held
30 by him.

Liability of present Shareholders in respect of Debts.

LX. In the event of any Company other than a Limited Company being wound up by the Court or voluntarily, any Person who has ceased to be a Shareholder within the Period of Three Years prior to the Commencement of the winding-up shall be deemed, for
35 the Purposes of Contribution towards Payment of the Debts of the Company, to be an existing Shareholder, and shall have in all respects the same Rights, and be subject to the same Liabilities to Creditors, as if he had not so ceased to be a Shareholder, with this Exception, that he shall not be liable in respect of any Debt of the Company
40 contracted after the Time at which he ceased to be a Shareholder.

Liability of former Shareholders in a Company other than a Limited Company with respect to Debts.

LXI. In the event of any Limited Company being wound up by the Court or voluntarily, any Person who has ceased to be a Holder
[87.] of in a Limited

Liability of former Shareholders of in a Limited

Company
with respect
to Debts.

of any Share or Shares within the Period of One Year prior to the Commencement of the winding-up shall be deemed, for the Purposes of Contribution towards Payment of the Debts of the Company, to be an existing Holder of such Share or Shares, and shall have in all respects the same Rights and be subject to the same Liabilities to 5 Creditors as if he had not so ceased to be a Shareholder.

Commence-
ment of
winding-up
of Company,
how deter-
mined.

LXII. The winding-up shall, if the Company is wound up by the Court, be deemed to commence at the Time of the Presentation of such Petition as is herein-after required to be presented to the Court, and if the Company is wound up voluntarily, be deemed to commence at 10 the Time of the passing of the Resolution authorizing such winding-up.

Definition of
"Contribu-
tory," and
legal Charac-
ter of his
Liability.

LXIII. Any existing or former Shareholder upon whom Calls are authorized to be made by the Third Part of this Act is herein-after called "a Contributory," and the Representatives of any deceased Contributory shall be liable in a due Course of Administration to the 15 same Extent as such Contributory would be liable under the Third Part of this Act, if alive, and any Sums which he is hereby made liable to pay shall, in England and Ireland, be deemed to be Specialty Debts due from him to the Company of which he is Contributory.

Rights of
Contribu-
tories
between
themselves.

LXIV. For the Purpose of ascertaining the Liability of existing 20 and former Shareholders as between themselves, the following Rule shall be adopted; (that is to say,)

- (1.) In the Case of a Company other than a Limited Company every Transferree of Shares shall, in a Degree proportioned to the Shares transferred, indemnify the Transferrer against 25 all existing and future Debts of the Company:
- (2.) In the Case of a Limited Company every Transferree shall indemnify the Transferrer against all Calls made or accrued due on the Shares transferred subsequently to the Transfer.

Winding-up by Court.

30

Circum-
stances under
which Com-
pany may be
wound up
by Court.

LXV. A Company may be wound up by the Court under the following Circumstances; (that is to say,)

- (1.) Whenever the Company in General Meeting has passed a Special Resolution requiring the Company to be wound up by the Court: 35
- (2.) Whenever the Company suspends its Business for the Space of a whole Year:
- (3.) Whenever the Shareholders are reduced in Number to less than Seven:
- (4.) Whenever the Company is unable to pay its Debts: 40
- (5.) Whenever Three Fourths of the subscribed Capital of the Company have been lost or become unavailable.

LXVI. A

LXVI. A Company shall be deemed to be unable to pay its Debts,

Company when deemed to be unable to pay its Debts.

- (1.) Whenever a Creditor to whom the Company is indebted in a Sum exceeding Fifty Pounds then due has served on the Company, by leaving the same at their registered Office, a Demand under his Hand requiring the Company to pay the Sum so due, and the Company have for the Space of Three Weeks succeeding the Service of such Demand neglected to pay such Sum, or to secure or compound for the same to the Satisfaction of the Creditor:
- (2.) Whenever, in England and Ireland, Execution issued on a Judgment Decree or Order pronounced by any Court in favour of any Creditor in any Suit or other legal Proceeding instituted by such Creditor against the Company is returned unsatisfied, in whole or in part, by the Sheriff of the County in which the registered Office of the Company is situate.
- (3.) Whenever, in Scotland, the Induciæ of a Charge for Payment on an Extract Decree, or an Extract registered Bond, or an Extract registered Protest, have expired without Payment being made.

LXVII. Any Application for the winding-up of a Company shall be by Petition, and there shall be filed or lodged at the Time when such Petition is presented an Affidavit verifying the same: Such Petition may, in Cases where the Company is unable to pay its Debts, be presented either by a Creditor or a Contributory, but where any other Ground is alleged for winding-up the Company a Contributory alone is entitled to present the Petition.

Application for winding-up to be by Petition.

LXVIII. Upon the Hearing of any Petition presented by a Creditor, the Court may dismiss such Petition, with or without Costs, to be paid by the Petitioner, or it may make an Order or pronounce an Interlocutor directing the Company, by a Day to be named in the Order or Interlocutor, to pay or secure Payment to the Creditor of all Monies that may be proved due to him, together with such Costs as the Court may direct; or the Court may, if it so thinks fit, on the Hearing of such Petition, make an Order or Decree for winding-up the Company in the first instance, or such other Order as it deems just.

Course to be pursued by Court on the Hearing of the Petition of a Creditor.

LXIX. If at the Expiration of the Time named in such Order or Interlocutor such Payment is not made, or Security given, the Court may thereupon make an Order or Decree for winding up the Company.

Court may make an Order for winding-up Company on Creditor's Petition.

Course to be
pursued by
Court on
Petition of
Contribu-
tory.

LXX. Upon the Hearing of a Petition presented by a Contributory, the Court may dismiss such Petition, with or without Costs, to be paid by the Petitioner, or it may direct an Inquiry to be made as to whether it will be beneficial to the Shareholders that the Company should be wound up, and may adjourn such Petition, and on a subsequent Day make an Order or Decree directing the Company to be wound-up; or the Court may, if it think fit, on the Hearing of such Petition, make an Order or Decree for winding up the Company in the first instance.

Effect of the
Order for
winding-up
the Com-
pany.

LXXI. After the Date of such Order or Decree for winding-up the Company, all Suits and Actions against the Company shall, if the Court so orders, be stayed: No Director or other Officer of the Company shall, without the Sanction of the Court, dispose of any of the Property, Effects, or Things in Action of the Company, and no Transfer of any Shares shall be valid without the Sanction of the Court: A Copy of such Order or Decree shall forthwith be reported by the Company to the Registrar of Joint Stock Companies, who shall make a Minute thereof in his Books relating to the Company.

CLAUSE D.
Power of
Court of
Chancery to
remit wind-
ing-up to
Court of
Bankruptcy.

LXXII. In Cases where the Court of Chancery in England or Ireland makes an Order for winding-up a Company, it may, if it thinks fit, direct all or any subsequent Proceedings for winding-up the same to be had in the Court of Bankruptcy having Jurisdiction within the District where the registered Office of the Company is situate, or if the Company is formed for the Purpose of working any such Mine as is within and subject to the Jurisdiction of the Stannaries, in the Court of the Vice-Warden of the Stannaries; and upon such Order being made the Court therein named shall have the same Jurisdiction and exercise the same Powers with respect to winding-up such Company as it would have and exercise in a Case by this Act declared to be within its Jurisdiction.

Court to
cause Assets
to be col-
lected and
applied in
due Course.

LXXIII. As soon as may be after making an Order or Decree for winding up the Company the Court shall cause the Assets of the Company to be collected, and applied in discharge of its Liabilities in a due Course of Administration.

CLAUSE O.
Provision
against frau-
dulent Pre-
ference.

LXXIV. Any such Conveyance, Mortgage, Delivery of Goods, Payment, Execution, or other Act relating to Property, as would, if made or done by or against any individual Trader, be deemed in the event of his Bankruptcy to have been made or done by way of fraudulent Preference of any Creditor of such Trader, shall, if made or done by or against any Company registered under this Act, be deemed, in the event of an Order being made for winding-up such Company,

Company, to have been made or done by way of fraudulent Preference of some Creditor of such Company, and shall be invalid accordingly; and for the Purposes of this Section the Presentation of a Petition for winding-up a Company shall be deemed to correspond
5 with the filing of a Petition for Adjudication of Bankruptcy in the Case of an individual Trader.

LXXV. All Books, Accounts, and Documents of the Company, and of the official Liquidators herein-after mentioned, shall, as between the Contributories of the Company, be *prima facie* Evidence of the
10 Truth of all Matters therein contained, and purporting to be therein recorded.

LXXVI. The Court may, at any Time after making an Order or Decree for winding up the Company, and before it has ascertained the Sufficiency of the Assets of the Company, or the Debts in
15 respect of which the several Classes of Contributories are liable, make Calls on all or any of the Contributories, to the Extent of their Liability, for Payment of all or any Sums it deems necessary to satisfy the Debts of the Company and the Costs of winding it up, and it may, in making a Call, take into consideration the Probability that
20 some of the Contributories upon whom the same is made may partly or wholly fail to pay their respective Portion of the same.

LXXVII. All Monies received under the Direction of the Court on account of the Sale or Conversion of any of the Assets of the Company, or in respect of Calls made on any Contributories, or of any
25 other Matter, shall be paid into such Bank, and to the Credit of such Account as the Court may direct; and no Money standing to such Account shall be paid out by the Bank except upon Cheques signed in such Manner as the Court directs.

LXXVIII. The Court may, at any Time after the Presentation of a
30 Petition for winding-up a Company, upon the Application by Motion of any Creditor or Contributory of such Company, restrain further Proceedings in any Action or Suit against the Company; it may also, by Notice or Advertisement, require all Creditors to present and prove their Claims within a certain Time, or be precluded from the Benefit
35 of any Distribution which may be made before such Claim is proved.

LXXIX. The Court may, at any Time after an Order or Decree has been made for winding up a Company, upon the Application by Motion of any Creditor or Contributory of the Company, and upon due Proof that all Proceedings in relation to such winding-up ought in Justice
40 to be stayed, make an Order staying the same, either altogether or for
[87.] C 2 a limited

a limited Time, on such Terms and subject to such Conditions as it deems fit.

CLAUSE E.
Power of
Court to ad-
just Rights
of Contri-
butories.

LXXX. As soon as the Creditors are satisfied, the Court shall proceed to adjust the Rights of the Contributories amongst themselves; and to distribute any Surplus that may remain amongst the 5 Parties entitled thereto, and for the Purposes of such Adjustment it may make Calls on the Contributories to the Extent of their Liability for Payment of such Sums as it deems necessary; and it may, in making a Call, take into consideration the Probability that some of the Contributories upon whom the same is made may partly 10 or wholly fail to pay their respective Portion of the same.

CLAUSE F.
Court may
make Order
as to Costs.

LXXXI. The Court may make such Order as to the Priority and Payment out of the Estate of the Company of the Costs, Charges, and Expenses incurred in winding-up any Company as it thinks just.

Official Liquidators.

15

Appoint-
ment of
Official
Liquidators.

LXXXII. For the Purpose of conducting the Proceedings in wind-
ing-up a Company, and assisting the Court therein, the Court may, after
requiring due Security appoint such Persons or Person, either pro-
visionally or otherwise, as it thinks fit, to the Office of Official Liqui-
dators; it may from Time to Time remove any Person or Persons so 20
appointed, and fill up any Vacancy occasioned by such Removal or
by the Death or Resignation of any such Appointee or Appointees;
if One Person only is appointed, he shall have all the Powers hereby
given to several Liquidators; if more Persons than One are appointed,
the Court shall declare whether any Act hereby required or authorized 25
to be done by the Official Liquidators may be done by all or any One
or more of such Persons.

Style and
Duties of
Official
Liquidators.

LXXXIII. The Official Liquidators or Liquidator shall be described
by the Style of the Official Liquidators or Official Liquidator of the
particular Company in respect of which they or he are or is appointed, 30
and not by their or his individual Names or Name; they or he shall take
into their or his Custody all the Property, Effects, and Things in
Actions of the Company, and shall perform such Duties in reference
to the winding up of the Company as may be imposed by the Court.

Powers of
Official
Liquidators.

LXXXIV. The Official Liquidators shall have Power, with the 35
Sanction of the Court, to do the following Things,—

To bring or defend any Action, Suit, or Prosecution, or other
legal Proceeding, Civil or Criminal, in the Name and on behalf of
the Company:

To

- To carry on the Business of the Company, so far as may be necessary for the beneficial winding-up of the same :
- To sell the Real and Personal and Heritable and Moveable Property, Effects, and Things in Action of the Company by Public Auction
 5 or Private Contract, with Power, if they think fit, to transfer the whole thereof to any Person or Company, or to sell the same in Parcels :
- To execute in the Name and on behalf of the Company all Deeds, Receipts, and other Documents they may think necessary, and
 10 for that Purpose to use, when necessary, the Company's Seal :
- To refer Disputes to Arbitration, and compromise any Debts or Claims :
- To prove, claim, rank, and draw a Dividend, in the Matter of the Bankruptcy or Insolvency or Sequestration of any Contributory,
 15 for any Balance against the Estate of such Contributory, and to take and receive Dividends in respect of such Balance, in the Matter of Bankruptcy or Insolvency or Sequestration, as a separate Debt due from such Bankrupt or Insolvent, and rateably with the other separate Creditors :
- To draw, accept, make, and endorse any Bill of Exchange or Promissory Note, and also to raise upon the Security of the Assets of the Company from Time to Time any requisite Sum or Sums of Money ; and the drawing, accepting, making or endorsing of every such Bill of Exchange or Promissory Note as
 20 aforesaid on behalf of the Company shall have the same Effect with respect to the Liability of such Company as if such Bill or Note had been drawn, accepted, made, or endorsed by such Company in the Course of carrying on the Business thereof :
- To do and execute all such other Things as may be necessary for winding up the Affairs of the Company and distributing its Assets.
 30

LXXXV. The Court may appoint a Solicitor or Law Agent, and such Clerks or Officers as may be necessary to assist the Official Liquidators in the Performance of their Duties : There shall be paid to such Solicitor or Law Agent, Clerks and Officers, such Remuneration
 35 by way of Per-centage or otherwise as the Court directs.

Appoint-
ment of
Solicitor to
Official
Liquidators.

LXXXVI. There shall be paid to the Official Liquidators such Salary or Remuneration, by way of Percentage or otherwise, as the Court directs.

Remunera-
tion of
Official Li-
quidators.

LXXXVII. When the Affairs of the Company have been com-
 40 pletely wound-up, the Court shall make an Order or Decree declaring the Company to be dissolved from the Date of such Order or Decree, and the Company shall be dissolved accordingly.

Dissolution
of Company.

Registrar
to make
Minute of
Dissolution
of Company.

LXXXVIII. Any Order or Decree so made shall be reported by the Official Liquidators to the Registrar of Joint Stock Companies, who shall make a Minute accordingly in his Books of the Dissolution of such Company.

Lord Chan-
cellor, with
the Advice
and Consent
of Master of
Rolls and
Vice-Chan-
cellor, to
make Gene-
ral Rules
and Orders.

LXXXIX. In England, the Lord Chancellor of Great Britain, with 5
the Advice and Consent of the Master of the Rolls and any One of the
Vice-Chancellors for the Time being, or with the Advice and Consent
of any Two of the Vice-Chancellors, may, as often as Circumstances
require, make such Rules concerning the Mode of proceeding to be 10
had for winding up a Company in the Court of Chancery as may
from Time to Time seem necessary; but until such Rules are made
the general Practice of the Court of Chancery, including the Practice
hitherto in use in winding-up Companies, shall, so far as the same is
applicable, and not inconsistent with this Act, apply to all Proceedings
for winding-up a Company, and Official Liquidators shall be considered 15
as occupying in all respects the Place of an Official Manager.

Power of
Lord Chan-
cellor of
Ireland to
make Rules.

XC. In Ireland, the Lord Chancellor of Ireland may, as respects
the winding-up of Companies in Ireland, with the Advice and Consent
of the Master of the Rolls in Ireland, exercise the same Power of
making Rules as is by this Act herein-before given to the Lord 20
Chancellor of Great Britain; but until such Rules are made the general
Practice of the Court of Chancery in Ireland, including the Practice
hitherto in use in Ireland in winding-up Companies, shall, so far as
the same is applicable, and not inconsistent with this Act, apply to all
Proceedings for winding up a Company, and Official Liquidators shall 25
in all respects be considered as occupying the Place of an Official
Manager.

CLAUSE G.
Power of
Court of Ses-
sion in Scot-
land to make
Rules.

XCI. In Scotland the Bourt of Session may, by Act of Sederunt,
exercise the same Power of making Rules of Practice as is herein-
before given to the Lord Chancellor of Great Britain as regards Eng- 30
land; but until such Rules are made the general Practice of the
Court of Session in Suits pending in such Court shall, so far as the
same is applicable, and not inconsistent with this Act, apply to all
Proceedings for winding-up a Company, and Official Liquidators shall
in all respects be considered as possessing the same Powers as any 35
Trustee on a Bankrupt Estate.

CLAUSE P.
Vice-War-
dens of Stan-
naries to
make Rules.

XCII. The Vice-Warden of the Stannaries may from Time to Time,
with the Approval of the Lord Chancellor of Great Britain, make
such general Rules as may be necessary or expedient for the Purpose
of carrying into execution the Powers conferred by this Act upon the 40
Court of the said Vice-Warden; but, subject to such Rules, the general
Practice

Practice of the said Court in Cases within the Jurisdiction thereof shall, so far as the same is applicable, and not inconsistent with this Act, apply to all Proceedings under this Act; and any Order made by the Vice-Warden of the Stannaries may be enforced in the same
 5 Manner in which Orders made in Proceedings within the ordinary Jurisdiction of such Court are enforced; and for the Purpose of Jurisdiction any Company engaged in working any Mine within and subject to the Jurisdiction of the Stannaries shall be deemed to be resident within the Stannaries, and at the Place where such Mine is situate.

- 10 XCIII. Any Two Commissioners of Bankruptcy appointed by the Lord Chancellor of Great Britain may, as respects the Courts of Bankruptcy in England, and the Commissioners of Bankrupt in Ireland may, as respects the Courts of Bankruptcy in Ireland, make Rules as they respectively from Time to Time, but subject to the
 15 Approval of the Lord Chancellors of Great Britain and Ireland respectively, think fit, for the Purpose of regulating the Proceedings in such Courts for winding-up Companies, but, subject to such Rules, the general Practice of the Courts of Bankruptcy in England and Ireland respectively, in Cases within the ordinary Jurisdiction of such
 20 Courts, shall, so far as the same is applicable, and not inconsistent with this Act, apply to all Proceedings under this Act, and any Order made by any Commissioner of Bankruptcy in such Proceedings may be enforced in the same Manner in which Orders made in Proceedings within the ordinary Jurisdiction of such Court are enforced.
- 25 XCIV. The Lord Chancellor of Great Britain as respects the Courts of Chancery and Bankruptcy in England, the Lord Chancellor of Ireland as respects the Courts of Chancery and Bankruptcy in Ireland, the Court of Session in Scotland by Act of Sederunt as respects Proceedings in such Court, may make Rules specifying the
 30 Fees to be paid in respect of Proceedings taken under the Third Part of this Act for winding-up a Company in such Courts respectively, and the Fees so paid in any Court of Chancery or Bankruptcy shall be applied in the Manner in which Fees taken in such Courts in ordinary Proceedings are applied; and as respects Fees to be paid in
 35 like Proceedings in the Court of the Vice-Warden of the Stannaries it shall be lawful for the Vice-Warden to authorize Fees not exceeding in Number or Amount the Fees so authorized from Time to Time by the Lord Chancellor of Great Britain to be paid in Courts of Bankruptcy, and the Council of the Prince of Wales, or the Special
 40 Commissioners for managing the Affairs of the Duchy, as the Case may be, may direct in what Manner the Monies arising from such Fees are to be applied towards the annual Expenses of the Court, or towards the Payment or in augmentation of the present Official Salaries.

CLAUSE H.
 Power of Commissioners of Bankruptcy to make Rules.

Rules to be made with respect to Fees.

District
Commis-
sioners of
Bankruptcy,
and County
Court Judges
in England,
and Com-
missioners of
Bankrupt
and Assistant
Barristers
in Ireland,
and Sheriffs
of Com-
mittee
in Scotland,
to be Com-
missioners
for receiving
Evidence.

XCV. The District Commissioners of the Court of Bankruptcy and the Judges of the County Courts in England who sit at Places more than Twenty Miles from the General Post Office, and the Commissioners of Bankrupt and the Assistant Barristers and Recorders in Ireland, and the Sheriffs of Counties in Scotland, shall be 5
Commissioners for the Purpose of taking Evidence under the Third Part of this Act in Cases where any Company is wound up by the Courts of Chancery in England or Ireland, or by Court of Session in Scotland; and it shall be lawful for such Court to refer the whole or any Part of the Examination of 10
any Witnesses under the Third Part of this Act to any such Commissioner, although such Commissioner is out of the Jurisdiction of the Court by which the Order or Decree for winding-up the Company was made; and every such Commissioner shall, in addition to any Power of summoning and examining Witnesses, and requiring the 15
Production or Delivery of Documents, and certifying or punishing Defaults by Witnesses, which he might lawfully exercise as a District Commissioner of the Court of Bankruptcy, Judge of a County Court, Commissioner of Bankrupt, Assistant Barrister, or Recorder, or as a Sheriff of a County, have in the Matter so referred to him all the 20
same Powers of summoning and examining Witnesses, and requiring the Production or Delivery of Documents, and punishing Defaults by Witnesses, and allowing Costs and Charges and Expenses to Wit-
nesses, as the Court which made the Order for winding-up the Com-
pany has, and the Examination so taken shall be returned or reported 25
to such last-mentioned Court in such Manner as it directs.

Voluntary Winding-up of Company.

Cases in
which Com-
pany may be
wound-up
voluntarily.

XCVI. A Company may be wound-up voluntarily,

- (1.) Whenever the Period, if any, fixed for the Duration of the Company by the Articles of Association expires, or whenever 30
the Event, if any, occurs, upon the Occurrence of which it is provided by the Articles of Association that the Company is to be dissolved:
- (2.) Whenever the Company in General Meeting has passed a Special Resolution requiring the Company to be wound-up 35
voluntarily.

Whenever a Company is wound-up voluntarily the Company shall, from the Date of the Commencement of such winding-up, cease to carry on its Business, except in so far as may be required for the bene-
ficial winding-up thereof, but its Corporate State and all its Corpo- 40
rate Powers shall, notwithstanding any Provision to the contrary in its Articles of Association, continue until the Affairs of the Company are wound-up.

XCVII. Notice

XCVII. Notice of any Special Resolution to wind-up a Company voluntarily shall be given, as respects Companies registered in England in the London Gazette, as respects Companies registered in Scotland in the Edinburgh Gazette, and as respects Companies registered in Ireland in the Dublin Gazette.

CLAUSE I.
Notice of
Resolution
to wind up
to be given
in Gazette.

XCVIII. The following Consequences shall ensue upon the voluntary winding-up of a Company,

General Con-
sequences of
voluntary
winding-up.

- (1.) The Property of the Company shall be applied in satisfaction of its Liabilities, and, subject thereto, shall be distributed amongst the Shareholders in proportion to their Shares :
- (2.) Liquidators shall be appointed for the Purpose of winding-up the Affairs of the Company and distributing the Property :
- (3.) The Company in General Meeting may appoint such Person or Persons as it thinks fit to be a Liquidator or Liquidators, and may fix the Remuneration to be paid to them :
- (4.) If One Person only is appointed, all the Provisions herein contained in reference to several Liquidators shall apply to him :
- (5.) When several Liquidators are appointed, every Power hereby given may be exercised by any Two of them :
- (6.) The Liquidators may at any Time after the passing of the Resolution for winding-up the Company, and before they have ascertained the Sufficiency of the Assets of the Company, or the Debts in respect of which the several Classes of Contributories are liable, call on all or any of the Contributories to the Extent of their Liability to pay all or any Sums they deem necessary to satisfy the Debts of the Company and the Costs of winding it up, and they may in making a Call take into consideration the Probability that some of the Contributories upon whom the same is made may partly or wholly fail to pay their respective Portion of the same :
- (7.) The Liquidators shall have all Powers herein-before vested in Official Liquidators, and may exercise the same without the Intervention of the Court :
- (8.) All Books, Papers, and Documents in the Hands of the Liquidators shall at all reasonable Times be open to the Inspection of the Shareholders :
- (9.) When the Creditors are satisfied, the Liquidators shall proceed to adjust the Rights of the Contributories amongst themselves, and for the Purposes of such Adjustment they may make Calls on all the Contributories to the Extent of their Liability for any Sums they may deem necessary, and they may in making a Call take into consideration the Probability that some of the Contributories upon whom the same is

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made

made may partly or wholly fail to pay their respective Portion of the same :

- (10.) As soon as the Affairs of the Company are fully wound-up, the Liquidators shall make up an Account showing the Manner of such winding-up, and the Disposal of the Property 5 and Assets of the Company; and such Account, with the Vouchers thereof, shall be laid before such Person or Persons as may be appointed by the Company to inspect the same; and upon such Inspection being concluded the Liquidators shall proceed to call a General Meeting of the Shareholders 10 for the Purpose of considering such Account; but no such Meeting shall be deemed to be duly held unless One Month's previous Notice, specifying the Time, Place, and Object of such Meeting, has been published, as respects Companies registered in England in the "London Gazette," and as respects 15 Companies registered in Scotland in the "Edinburgh Gazette," and as respects Companies registered in Ireland in the "Dublin Gazette:"
- (11.) Such General Meeting shall not enter upon any Business except the Consideration of the Account; but the Meeting 20 may proceed to the Consideration thereof, notwithstanding the Quorum required by any Regulation of the Company to be present at General Meetings is not present thereat; and if, on Consideration, the Meeting is of opinion that the Affairs of the Company have been fairly wound-up, they shall pass 25 a Resolution to that Effect, and thereupon the Liquidators shall publish a Notice of such Resolution, as respects Companies registered in England in the "London Gazette," and as respects Companies registered in Scotland in the "Edinburgh Gazette," and as respects Companies registered in Ireland in 30 the "Dublin Gazette," and shall also make a Return to the Registrar of Joint Stock Companies of such Resolution, and on the Expiration of One Month from the Date of the Registration of such Return the Company shall be deemed to be dissolved: 35
- (12.) If within One Year after the passing of a Resolution for a winding-up the Affairs of the Company such Affairs are not wound-up, the Liquidators shall immediately thereafter make up an Account showing the State of the Affairs and the Progress which has been made in winding-up down to that Date, and 40 they shall add thereto a Report stating the Reason why the winding-up has not been completed, and a General Meeting shall be called to consider the same, and so on from Year to Year until the winding-up of the Affairs of the Company is completed: 45

All

All Costs, Charges, and Expenses properly incurred in the voluntary winding-up of a Company, including the Remuneration of the Liquidators, shall be payable out of the Assets of the Company in priority to all other Claims.

Expenses of winding-up Company.

- 5 XCIX. The voluntary winding-up of a Company shall not pre-
 judice the Right of any Creditor of such Company to institute
 Proceedings for the Purpose of having the same wound up by the
 Court.

CLAUSE Q.
 Voluntary winding-up not to pre-
 judice Cre-
 ditors.

PART IV.

Registration Office.

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C. The Registration of Companies shall be conducted as follows ;
 (that is to say,) Constitution
 of Registra-
 tion Office.

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(1.) The Board of Trade may from Time to Time appoint and
 remove such Registrars, Assistant Registrars, Clerks, and
 Servants as they may think necessary for the Registration of
 Companies under this Act :

20

(2.) The Board of Trade may make such Regulations as they
 think fit with respect to the Duties to be performed by any
 such Registrars, Assistant Registrars, Clerks, and Servants as
 aforesaid :

25

(3.) The Board of Trade may from Time to Time determine the
 Place or Places at which Offices for the Registration of Com-
 panies are to be established :

30

(4.) The Board of Trade may from Time to Time direct a Seal
 or Seals to be prepared for the Authentication of any Docu-
 ments required for or connected with the Registration of
 Companies :

35

(5.) Every Person may inspect the Documents kept by the Registrar
 of Joint Stock Companies ; and there shall be paid for such In-
 spection such Fees as may be appointed by the Board of Trade,
 not exceeding One Shilling for each Inspection ; and any
 Person may require a Copy or Extract of any Document or
 any Part of any Document, to be certified by the Registrar ;
 and there shall be paid for such certified Copy or Extract
 such Fee as the Board of Trade may appoint, not exceeding
 Sixpence for each Folio of such Copy or Extract, or in Scot-
 land for each Sheet of Two hundred Words ; and such certified
 Copy shall be *prima facie* Evidence of the Matters therein
 contained in all legal Proceedings whatever :

40

(6.) The existing Registrar, Assistant Registrars, Clerks, and other
 Officers and Servants in the Office for the Registration of

Joint Stock Companies, shall, during the Pleasure of the Board of Trade, hold the Offices, and receive the Salaries hitherto held and received by them, but they shall in the Execution of their Duties conform to any Regulations that may be issued by the Board of Trade: 5

- (7.) There shall be paid to any Registrar, Assistant Registrar, Clerk, or Servant that may hereafter be employed in the Registration of Joint Stock Companies such Salary as the Board of Trade may, with the Sanction of the Commissioners of the Treasury, direct: 10
- (8.) Whenever any Act is herein directed to be done to or by the Registrar of Joint Stock Companies, such Act shall, until the Board of Trade otherwise directs, be done in England to or by the existing Registrar of Joint Stock Companies or in his Absence by the Assistant Registrar, in Scotland to or by such Officer 15 as the Board of Trade may appoint, and in Ireland to or by the existing Assistant Registrar of Joint Stock Companies for Ireland; but in the event of the Board of Trade altering the Constitution of the existing Registry Office such Act shall be done to or by such Officer or Officers and at such Place 20 or Places as the Board of Trade may appoint.

PART V.

REPEAL OF FORMER ACTS, AND TEMPORARY PROVISIONS.

Repeal.

Repeal of
7 & 8 Vict.
c. 110.,
10 & 11 Vict.
c. 78., and
18 & 19 Vict.
c. 133.

CI. There shall be repealed,—

- (1.) The said Act passed in the Eighth Year of the Reign of Her 25 present Majesty, Chapter One hundred and ten.
- (2.) An Act passed in the Eleventh Year of the Reign of Her present Majesty, Chapter Seventy-eight, intituled “An Act “to amend an Act for the Registration, Incorporation, and “Regulation of Joint Stock Companies,” 30
- (3.) The Limited Liability Act, 1855:

But such Repeal shall not take effect with respect to any Company completely registered under the said Act of the Eighth Year of Her present Majesty until such Company has obtained Registration anew under this Act, as herein-after mentioned. 35

Repeal of
Winding-up
Acts 11 Vict.
c. 45. and
12 & 13 Vict.
c. 108.

CII. The following Acts, that is to say,

- (1.) An Act passed in the Eleventh Year of the Reign of Her present Majesty, Chapter Forty-five, and intituled “An Act to “amend the Acts for facilitating the winding up of the Affairs “of Joint Stock Companies unable to meet their pecuniary En- 40
“gagements

“ gagements, and also to facilitate the Dissolution and winding-up of Joint Stock Companies and other Partnerships ;”

- (2.) An Act passed in the Thirteenth Year of the Reign of Her present Majesty, Chapter One hundred and eight, and intituled An Act
5 “ to amend the Joint Stock Companies Winding-up Act, 1848,” shall not apply to Companies registered under this Act, nor to Companies registered under the said Act of the Eighth Year of the Reign of Her present Majesty, Chapter One hundred and ten, from and after the Date at which they have
10 obtained Registration anew under this Act, as herein-after mentioned.

CIII. No Repeal hereby enacted shall affect—

- (1.) Anything duly done under any Acts hereby repealed before
such Repeal comes into operation ;
- 15 (2.) Any Right acquired or Liability incurred under any such Acts before such Repeal comes into operation ;
- (3.) Any Penalty, Forfeiture, or other Punishment incurred or to be incurred in respect of any Offence against any such Acts committed before such Repeal comes into operation ;
- 20 (4.) Any Proceeding to be taken in the Prosecution of any Order for winding-up a Company made before such Repeal comes into operation.

Saving
Clause as to
Repeal.

Temporary Provisions.

- CIV. Every Company completely registered under the said Act of
25 the Eighth Year of the Reign of Her present Majesty, Chapter One hundred and ten, shall on or before the Third Day of November One thousand eight hundred and fifty-six, and any other Company duly constituted by Law previously to the passing of this Act, and consisting of Seven or more Shareholders, may at any Time hereafter,
30 register themselves anew as a Company under this Act, with or without Limited Liability, subject to this Proviso, that no Company shall be registered anew as a Limited Company unless it has obtained a Certificate of Complete Registration under the “ Limited Liability Act, 1855,” or unless an Assent to its being so registered has been
35 given by at least Three Fourths in Number and Value of such of its Shareholders as may have been present, personally or by Proxy, in Cases where Proxies are allowed by the Regulations of the Company, at some General Meeting summoned for that Purpose.

Registration
under this
Act of
existing
Companies.

- CV. In order to obtain Registration anew there shall be delivered
40 to the Registrar of Joint Stock Companies the following Documents ; that is to say,

- (1.) In the Case of a Company completely registered under the said Act of the Eighth Year of Her present Majesty, Chapter

Requisitions
for Regis-
tration
anew by
existing
Companies.

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One hundred and ten, if such Company is not intended to be registered as a Limited Company, a List showing the Names, Addresses, and Occupations of all Persons who on the Day of Registration anew are Holders of Shares in the Company, with the Addition of the Shares held by such Persons respectively, 5 distinguishing each Share by its Number :

- (2.) If such Company as last aforesaid has obtained a Certificate of Complete Registration with Limited Liability under the Limited Liability Act, 1855, or if it has not obtained such a Certificate, but is intended to be registered as a Limited 10 Company under the Provisions of this Act, the above List shall be accompanied with a Statement specifying the following Particulars :

The nominal Capital of the Company, and the Number of Shares into which it is divided ; 15

The Number of Shares taken and the Amount paid on each Share ;

The Name of the Company, with the Addition, if it has not obtained a Certificate of Complete Registration with Limited Liability, of the Word " Limited " as the last 20 Word thereof :

- (3.) In the Case of a Company that has not been completely registered under the said Act of the Eighth Year of Her present Majesty, Chapter One hundred and ten, if it is not intended to be registered as a Limited Company, there shall 25 be delivered to the Registrar of Joint Stock Companies such List of Shareholders as is herein-before mentioned, and also a Copy of any Act of Parliament, Royal Charter, Letters Patent, Deed of Settlement, or other Instrument constituting or regulating the Company : 30

- (4.) If any such Company as last aforesaid is intended to be registered as a Limited Company, the above List and Copy shall be accompanied by a Statement specifying the following Particulars ; that is to say,

The nominal Capital of the Company, and the Number of 35 Shares into which it is divided ;

The Number of Shares taken, and the Amount paid on each Share ;

The Name of the Company, with the Addition of the Word " Limited " as the last Word thereof. 40

CLAUSE K.
Authentica-
tion of
Statements
of Company.

CVI. The Correctness of the Statements contained in any Document delivered to the Registrar shall be verified by a Declaration of the Directors of the Company delivering the same, or any Two of them, or of any Two other principal Officers of the Company, made in pursuance of the Act passed in the Sixth Year of the Reign of 45 His late Majesty King William the Fourth, Chapter Sixty-two ; but
no

no Fees shall be charged in respect of the Registration anew of any Company completely registered under the said Act of the Eighth Year of the Reign of Her present Majesty, Chapter One hundred and ten, in Cases where the Liability of the Shareholders is not intended to be limited, or where such Company has already obtained a Certificate of Complete Registration with Limited Liability.

CVII. Upon Compliance with the foregoing Requisitions, the Registrar of Joint Stock Companies shall certify under his Hand that the Company so applying for Registration anew is incorporated as a Company under this Act, and in the Case of a Limited Company, that it is limited, and thereupon all Provisions contained in any Deed of Settlement, Act of Parliament, Royal Charter, or Letters Patent, or other Instrument constituting or regulating the Company, shall be deemed to be Regulations of the Company within the Meaning of this Act; and all the Provisions of this Act shall apply to such Company in the same Manner in all respects as if it had been originally incorporated under this Act; subject nevertheless to the Reservations herein-after contained with respect to the existing Rights of Creditors and other Persons; and subject to this Proviso, that, except in so far as is herein-after permitted, no Company constituted by Act of Parliament, Royal Charter, or Letters Patent shall have Power, by special Resolution, or otherwise to alter any of the Provisions contained in such Act of Parliament, Charter, or Letters Patent.

CLAUSE L.
Grant of
Certificate
of Registra-
tion, and
Effect
thereof.

CVIII. Any Company may, for the Purpose of obtaining Registration with Limited Liability, change its Name by adding thereto the Word "Limited," or do any other Act that may be necessary.

CLAUSE M.
Power of
Company to
change
Name.

CIX. The Certificate of Incorporation given to any existing Company, in pursuance of this Act, shall be conclusive Evidence that all the Requisitions of this Act in respect of Registration anew have been complied with, and the Date of such Certificate shall be deemed to be the Date at which the Company is incorporated under this Act.

CLAUSE N.
Certificate to
be Evidence
of Com-
pliance with
Act.

CX. The Registration anew of any existing Company under this Act shall not, nor shall any Act of the Company subsequent to such Registration, prejudice any Right which previously to such Registration has, or which would, if no such Registration had taken place, have accrued to any Creditor or other Person against the Company in its Corporate Capacity, or against any Person then being or having been a Member of such Company, but every such Creditor or other Person shall be entitled to all such Remedies against the Company in its Corporate Capacity, and against every Person then being or having been a Member of such Company, as he would have been entitled to in case such Registration anew had not taken place.

Saving of
Rights of
Creditors.

SCHEDULE.

Section VII.

FORM A.

Memorandum of Association of the “ Eastern Steam Packet Com
pany Limited.”

1st. The Name of the Company is “ The Eastern Steam Packet
Company Limited.”

2d. The Objects for which the Company is established are, “ the
Conveyance of Passengers and Goods in Ships or Boats between
such Places as the Company may from Time to Time determine,
and the doing all such other Things as are incidental or conducive
to the Attainment of the above Object.”

3d. The Liability of the Shareholders is “ Limited.”

4th. The nominal Capital of the Company is Two hundred thousand
Pounds, divided into One thousand Shares of Two hundred Pounds
each.

WE, the several Persons whose Names and Addresses are subscribed,
are desirous of being formed into a Company, in pursuance of this
Memorandum of Association, and we respectively agree to take
the Number of Shares in the Capital of the Company set opposite
our respective Names.

Names and Addresses of Subscribers.			Number of Shares taken by each Subscriber.
“ 1. John Jones of	in the County of	-	200
“ 2. John Smith of	in the County of	-	25
“ 3. Thomas Green of	in the County of	-	30
“ 4. John Thompson of	in the County of	-	40
“ 5. Caleb White of	in the County of	-	15
“ 6. Andrew Brown of	in the County of	-	5
“ 7. Cæsar White of	in the County of	-	10
Total Shares taken - - -			325

Dated the 22d Day of November 1856.

Witness to the above Signatures,
A.B., No. 13, Hute Street, Clerkenwell, Middlesex.

TABLE

TABLE B.

Section IX.

REGULATIONS FOR MANAGEMENT OF THE COMPANY.

SHARES.

- (1.) No Person shall be deemed to have accepted any Share in the Company unless he has testified his Acceptance thereof by Writing under his Hand, in such Form as the Company from Time to Time directs.
- (2.) The Company may from Time to Time make such Calls upon the Shareholders in respect of all Monies unpaid on their Shares as they think fit, provided that Twenty-one Days Notice at least is given of each Call, and each Shareholder shall be liable to pay the Amount of Calls so made to the Persons and at the Times and Places appointed by the Company.
- (3.) A Call shall be deemed to have been made at the Time when the Resolution authorizing such Call was passed.
- (4.) If before or on the Day appointed for Payment any Shareholder does not pay the Amount of any Call to which he is liable, then such Shareholder shall be liable to pay Interest for the same at the Rate of Five Pounds per Cent. from the Day appointed for the Payment thereof to the Time of the actual Payment.
- (5.) The Company may, if they think fit, receive from any of the Shareholders willing to advance the same all or any Part of the Monies due upon their respective Shares beyond the Sums actually called for; and upon the Monies so paid in advance, or so much thereof as from Time to Time exceeds the Amount of the Calls then made upon the Shares in respect of which such Advance has been made, the Company may pay Interest at such Rate as the Shareholder paying such Sum in advance and the Company agree upon.
- (6.) If several Persons are registered as joint Holders of any Share, any One of such Persons may give effectual Receipts for any Dividend payable in respect of such Share.
- (7.) The Company may decline to register any Transfer of Shares made by a Shareholder who is indebted to them.
- (8.) Every Shareholder shall, on Payment of such Sum, not exceeding One Shilling, as the Company may prescribe, be entitled to a Certificate, under the Common Seal of the Company, specifying the Share or Shares held by him, and the Amount paid up thereon.

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(9.) If

- (9.) If such Certificate is worn out or lost, it may be renewed, on Payment of such Sum, not exceeding One Shilling, as the Company may prescribe.
- (9a.) The Transfer Books shall be closed during the Fourteen Days immediately preceding the ordinary General Meeting in each Year.

TRANSMISSION OF SHARES.

- (10.) The Executors or Administrators of a deceased Shareholder shall be the only Persons recognized by the Company as having any Title to his Share.
- (11.) Any Person becoming entitled to a Share in consequence of the Death, Bankruptcy, or Insolvency of any Shareholder, or in consequence of the Marriage of any Female Shareholder, or in any way other than by Transfer, may be registered as a Shareholder upon such Evidence being produced as may from Time to Time be required by the Company.
- (12.) Any Person who has become entitled to a transmitted Share may, instead of being registered himself, elect to have some Person to be named by him registered as a Holder of such Share.
- (13.) The Person so becoming entitled shall testify such Election by executing to his Nominee a Deed of Transfer of such Share.
- (14.) The Deed of Transfer shall be presented to the Company accompanied with such Evidence as they may require to prove the Title of the Transferrer, and thereupon the Company shall register the Transferree as a Shareholder.

FORFEITURE OF SHARES.

- (15.) If any Shareholder fails to pay any Call due on the appointed Day, the Company may, at any Time thereafter, during such Time as the Call remains unpaid, serve a Notice on him, requiring him to pay such Call, together with any Interest that may have accrued by reason of such Nonpayment.
- (16.) The Notice shall name a further Day, and a Place or Places, being a Place or Places at which Calls of the Company are usually made payable, on and at which such Call is to be paid: It shall also state that in the event of Nonpayment at the Time and Place appointed the Shares in respect of which such Call was made will be liable to be forfeited.
- (17.) If the Requisitions of any such Notice as aforesaid are not complied with, any Share in respect of which such Notice has been

been given may be forfeited by a Resolution of the Directors to that effect.

- (18.) Any Shares so forfeited shall be deemed to be the Property of the Company, and may be disposed of in such Manner as the Company think fit.
- (19.) Any Shareholder whose Shares have been forfeited shall, notwithstanding, be liable to pay to the Company all Calls owing upon such Shares at the Time of the Forfeiture.

INCREASE IN CAPITAL.

- (20.) The Company may, with the Sanction of the Company previously given in General Meeting, increase its Capital.
- (21.) Any Capital raised by the Creation of new Shares shall be considered as Part of the original Capital, and shall be subject to the same Provisions in all respects, whether with reference to the Payment of Calls, or the Forfeiture of Shares on Non-payment of Calls, or otherwise, as if it had been Part of the original Capital.

GENERAL MEETINGS.

- (22.) The First General Meeting shall be held at such Time, not being more than Twelve Months after the Incorporation of the Company, and at such Place, as the Directors may determine.
- (23.) Subsequent General Meetings shall be held at such Time and Place as may be prescribed by the Company in General Meeting; and if no other Time or Place is prescribed, a General Meeting shall be held on the First Monday in February in every Year, at such Place as may be determined by the Directors.
- (24.) The above-mentioned General Meetings shall be called Ordinary Meetings; all other General Meetings shall be called Extraordinary.
- (25.) The Directors may whenever they think fit, and they shall upon a Requisition made in Writing by any Number of Shareholders holding in the aggregate not less than One Fifth Part of the Shares of the Company, convene an Extraordinary General Meeting.
- (26.) Any Requisition so made by the Shareholders shall express the Object of the Meeting proposed to be called, and shall be left at the principal Office of the Company.
- (27.) Upon the Receipt of such Requisition the Directors shall forthwith proceed to convene a General Meeting: If they do

not proceed to convene the same within Twenty-one Days from the Date of the Requisition, the Requisitionists, or any other Shareholders holding the required Number of Shares, may themselves convene a Meeting.

- (28.) Seven Days Notice at the least, specifying the Place, the Time, the Hour of Meeting, and the Purpose for which any General Meeting is to be held, shall be given by Advertisement, or in such other Manner, if any, as may be prescribed by the Company.
- (29.) Any Shareholder may, on giving not less than Seven Days previous Notice, submit any Resolution to a Meeting beyond the Matters contained in the Notice given of such Meeting.
- (30.) The Notice required of a Shareholder shall be given by leaving a Copy of the Resolution at the registered Office of the Company.
- (31.) No Business shall be transacted at any Meeting except the Declaration of a Dividend unless at least One Tenth in Number of the Shareholders are present at the Commencement and Close of such Business; and no Business shall be transacted at any Meeting of which previous Notice has not been given in manner herein-before mentioned.
- (32.) If within One Hour from the Time appointed for the Meeting the required Number of Shareholders is not present, the Meeting, if convened upon the Requisition of the Shareholders, shall be dissolved: In any other Case it shall stand adjourned to the following Day, at the same Time and Place; and if at such adjourned Meeting the required Number of Shareholders is not present, it shall be adjourned sine die.
- (33.) The Chairman (if any) of the Board of Directors shall preside as Chairman at every Meeting of the Company.
- (34.) If there is no such Chairman, or if at any Meeting he is not present at the Time of holding the same, the Shareholders present shall choose some One of their Number to be Chairman of such Meeting.
- (35.) The Chairman may, with the Consent of the Meeting, adjourn any Meeting from Time to Time and from Place to Place, but no Business shall be transacted at any adjourned Meeting other than the Business left unfinished at the Meeting from which the Adjournment took place.
- (36.) At any General Meeting, unless a Poll is demanded by at least Five Shareholders, a Declaration by the Chairman that a Resolution has been carried, and an Entry to that Effect in the Book of Proceedings of the Company, shall be sufficient
Evidence

Evidence of the Fact, without Proof of the Number or Proportion of the Votes recorded in favour of or against such Resolution.

- (37.) If a Poll is demanded in Manner aforesaid the same shall be taken in such Manner as the Chairman directs, and the Result of such Poll shall be deemed to be the Resolution of the Company in General Meeting.

VOTES OF SHAREHOLDERS.

- (38.) Every Shareholder shall have One Vote for every Share up to Ten; he shall have an additional Vote for every Five Shares beyond the first Ten Shares up to One hundred, and an additional Vote for every Ten Shares held by him beyond the first Hundred Shares.
- (39.) If any Shareholder is a Lunatic or Idiot he may vote by his Committee, Curator bonis, or other legal Curator; and if any Shareholder is a Minor he may vote by his Guardian, Tutor, or Curator, or any One of his Guardians, Tutors, or Curators, if more than One.
- (40.) If several Persons are jointly entitled to a Share or Shares the Person whose Name stands first in the Register of Shareholders as One of the Holders of such Share or Shares, and no other, shall be entitled to vote in respect of the same.
- (41.) No Shareholder shall be entitled to vote at any Meeting unless all Calls due from him have been paid.
- (42.) Votes may be given either personally or by Proxies: A Proxy shall be appointed in Writing under the Hand of the Appointor, or if such Appointor is a Corporation, under their Common Seal.
- (43.) No Person shall be appointed a Proxy who is not a Shareholder, and the Instrument or Mandate appointing him shall be transmitted to the Secretary at the registered Office of the Company Forty-eight Hours before the Time of holding the Meeting at which he proposes to vote.

DIRECTORS.

- (44.) The Term "Directors" shall include any Managers or other Superintendents of the Company, and if One Director, Manager, or Superintendent only is appointed, all Provisions herein contained with respect to Directors shall apply to him.
- (45.) The Number of the Directors, and the Names of the first Directors, shall be determined by the Subscribers of the Memorandum of Association.

- (46.) Until Directors are appointed, the Subscribers of the Memorandum of Association shall for all the Purposes of this Act be deemed to be Directors.

POWERS OF DIRECTORS.

- (47.) The Business of the Company shall be managed by the Directors, who may exercise all such Powers of the Company as are not by this Act or by the Articles of Association declared to be exercisable by the Company in General Meeting, subject nevertheless to the Regulations of the Articles of Association, to the Provisions of this Act, and to such Regulations, being not inconsistent with the aforesaid Regulations or Provisions, as may be prescribed by the Company in General Meeting; but no Regulation made by the Company in General Meeting shall invalidate any prior Act of the Directors which would have been valid if such Regulation had not been made.

DISQUALIFICATION OF DIRECTORS.

- (48.) The Office of Director shall be vacated,—
 If he holds any other Office or Place of Profit under the Company;
 If he becomes bankrupt or insolvent;
 If he is concerned in or participates in the Profits of any Contract with the Company;
 If he participates in the Profits of any Work done for the Company:

But the above Rules shall be subject to the following Exceptions: That no Director shall vacate his Office by reason of his being a Shareholder in any incorporated Company which has entered into Contracts with or done any Work for the Company of which he is Director; nevertheless he shall not vote in respect of such Contract or Work; and if he does so vote his Vote shall not be counted, and he shall incur a Penalty not exceeding Twenty Pounds.

ROTATION OF DIRECTORS.

- (49.) At the First Ordinary Meeting after the Incorporation of the Company the whole of the Directors shall retire from Office; and at the First Ordinary Meeting in every subsequent Year One Third of the Directors for the Time being, or if their Number is not a Multiple of Three, then the Number nearest to One Third, shall retire from Office.
- (50.) The One Third or other nearest Number to retire during the First and Second Years ensuing the Incorporation of the Company

pany shall, unless the Directors agree among themselves, be determined by Ballot: In every subsequent Year the One Third or other nearest Number who have been longest in Office shall retire.

- (51.) A retiring Director shall be re-eligible.
- (52.) The Company at the General Meeting at which any Directors retire in manner aforesaid shall fill up the vacated Offices by electing a like Number of fit Persons.
- (53.) If at any Meeting at which an Election of Directors ought to take place no such Election is made, the Meeting shall stand adjourned till the next Day, at the same Time and Place; and if at such adjourned Meeting no Election takes place, the former Directors shall continue to act until new Directors are appointed at the First Ordinary Meeting of the following Year.
- (54.) The Company may from Time to Time, in General Meeting, increase or reduce the Number of Directors, and may also determine in what Rotation such increased or reduced Number is to go out of Office.
- (55.) Any casual Vacancy occurring in the Board of Directors may be filled up by the Directors, but any Person so chosen shall retain his Office so long only as the vacating Director would have retained the same if no Vacancy had occurred.

PROCEEDINGS OF DIRECTORS.

- (56.) The Directors may meet together for the Despatch of Business, adjourn, and otherwise regulate their Meetings as they think fit, and determine the Quorum necessary for the Transaction of Business: Questions arising at any Meeting shall be decided by a Majority of Votes: In case of an Equality of Votes the Chairman, in addition to his original Vote, shall have a Casting Vote: A Director may at any Time summon a Meeting of the Directors.
- (57.) The Directors may elect a Chairman of their Meetings, and determine the Period for which he is to hold Office; but if no such Chairman is elected, or if at any Meeting the Chairman is not present at the Time appointed for holding the same, the Directors present shall choose some One of their Number to be Chairman of such Meeting.
- (58.) The Directors may delegate any of their Powers to Committees consisting of such Member or Members of their Body as they think fit: Any Committee so formed shall, in the Exercise of the Powers so delegated, conform to any Regulations that may be imposed on them by the Directors.

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the Addition of the Reasons why only a Portion of such Expenditure is charged against the Income of the Year.

- (72a.) A Balance Sheet shall be made out in every Year, and laid before the General Meeting of the Company, and such Balance Sheet shall contain a Summary of the Property and Liabilities of the Company arranged under the Heads appearing in the Form annexed to this Table, or as near thereto as Circumstances admit.
- (73.) A printed Copy of such Balance Sheet shall, Seven Days previously to such Meeting, be delivered at or sent by Post to the registered Address of every Shareholder.

AUDIT.

- (74.) The Accounts of the Company shall be examined and the Correctness of the Balance Sheet ascertained by One or more Auditor or Auditors to be elected by the Company in General Meeting.
- (75.) If not more than One Auditor is appointed, all the Provisions herein contained relating to Auditors shall apply to him.
- (76.) The Auditors need not be Shareholders in the Company: No Person is eligible as an Auditor who is interested otherwise than as a Shareholder in any Transaction of the Company; and no Director or other Officer of the Company is eligible during his Continuance in Office.
- (77.) The Election of Auditors shall be made by the Company at their Ordinary Meeting, or, if there are more than One, at their First Ordinary Meeting in each Year.
- (78.) The Remuneration of the Auditors shall be fixed by the Company at the Time of their Election.
- (79.) Any Auditor shall be re-eligible on his quitting Office.
- (80.) If any casual Vacancy occurs in the Office of Auditor, the Directors shall forthwith call an Extraordinary General Meeting for the Purpose of supplying the same.
- (81.) If no Election of Auditors is made in manner aforesaid, the Board of Trade may, on the Application of One Fifth in Number of the Shareholders of the Company, appoint an Auditor for the current Year, and fix the Remuneration to be paid to him by the Company for his Services.
- (82.) Every Auditor shall be supplied with a Copy of the Balance Sheet, and it shall be his Duty to examine the same, with the Accounts and Vouchers relating thereto.
- (83.) Every Auditor shall have a List delivered to him of all Books kept by the Company, and he shall at all reasonable Times have
- Access

Access to the Books and Accounts of the Company: He may, at the Expense of the Company, employ Accountants or other Persons to assist him in investigating such Accounts, and he may in relation to such Accounts examine the Directors or any other Officer of the Company.

- (84.) The Auditors shall make a Report to the Shareholders upon the Balance Sheet and Accounts, and in every such Report they shall state whether, in their Opinion, the Balance Sheet is a full and fair Balance Sheet, containing the Particulars required by this Act, and properly drawn up, so as to exhibit a true and correct View of the State of the Company's Affairs, and in case they have called for Explanations or Information from the Directors, whether such Explanations or Information have been given by the Directors, and whether they have been satisfactory; and such Report shall be read, together with the Report of the Directors, at the Ordinary Meeting.

NOTICES.

- (85.) Notices requiring to be served by the Company upon the Shareholders may be served either personally, or by leaving the same or sending them through the Post in a Letter addressed to the Shareholders at their registered Places of Abode.
- (86.) All Notices directed to be given to the Shareholders shall, with respect to any Share to which Persons are jointly entitled, be given to whichever of the said Persons is named first in the Register of Shareholders; and Notice so given shall be sufficient Notice to all the Proprietors of such Share.
- (87.) All Notices required by this Act to be given by Advertisement shall be advertised in a Newspaper circulating in the County in which the registered Office of the Company is situate.

FORM of BALANCE SHEET referred to in TABLE B.

44

Joint Stock Companies. (Table B.)

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Dr.

BALANCE SHEET of the

Co. made up to

CAPITAL AND LIABILITIES.				PROPERTY AND ASSETS.			
	£	s.	d.		£	s.	d.
I. CAPITAL -				III. PROPERTY held by the Company -			
1. Showing : The total Amount received from the Shareholders; showing also : (a.) The Number of Shares - (b.) The Amount paid per Share - (c.) If any Arrears of Calls, the Nature of the Arrear, and the Names of the Defaulters. Any Arrears due from any Director or Officer of the Company to be separately stated. (d.) The Particulars of any forfeited Shares.				4. Showing : Immovable Property, distinguishing (a.) Freehold Land - (b.) " Buildings - (c.) Leasehold " - 5. Movable Property, distinguishing (d.) Stock in Trade - (e.) Plant - The Cost to be stated with Deductions for Deterioration in Value as charged to the Reserve Fund or Profit and Loss.			
II. DEBTS AND LIABILITIES of the Company -				IV. DEBTS owing to the Company -			
2. Showing : The Amount of Loans on Mortgage or Debenture Bonds. 3. The Amount of Debts owing by the Company, distinguishing— (a.) Debts for which Acceptances have been given. (b.) Debts to Tradesmen for Supplies of Stock in Trade or other Articles. (c.) Debts for Law Expenses. (d.) Debts for Interest on Debentures or other Loans. (e.) Unclaimed Dividends. (f.) Debts not enumerated above.				6. Debts considered good for which the Company hold Bills or other Securities. 7. Debts considered good for which the Company hold no Security. 8. Debts considered doubtful and bad - Any Debt due from a Director or other Officer of the Company to be separately stated.			
VI. RESERVE FUND -				V. CASH AND INVESTMENTS			
Showing : The Amount set aside from Profits to meet Contingencies.				9. Showing : The Nature of Investment and Rate of Interest. 10. The Amount of Cash, where lodged, and if bearing Interest.			
VII. PROFIT AND LOSS -							
Showing : The disposable Balance for Payment of Dividend, &c.							
CONTINGENT LIABILITIES -							
Claims against the Company not acknowledged as Debts. Monies for which the Company is contingently liable.							

FORM

FORM C.

Memorandum of Association of the "Patent Stereotype Company Limited," with Articles of Association annexed. Section X.

Memorandum of Association.

1st. The Name of the Company is "The Patent Stereotype Company."

2d. The Objects for which the Company is established are "the working of a Patent Method of founding and casting Stereotype Plates, of which Method John Smith of is the sole Patentee."

3d. The Liability of the Shareholders is "Limited."

4th. The Capital of the Company is Two Thousand Pounds, divided into Twenty Shares of One hundred Pounds each.

WE, the several Persons whose Names are subscribed, are desirous of being formed into a Company, in pursuance of this Memorandum of Association, and we respectively agree to take the Number of Shares in the Capital of the Company set opposite our respective Names.

Names and Addresses of Subscribers.			Number of Shares taken by Subscribers.
" 1. John Jones, of	in the County of	-	1
" 2. John Smith of	in the County of	-	5
" 3. Thomas Green of	in the County of	-	2
" 4. John Thompson of	in the County of	-	2
" 5. Caleb White of	in the County of	-	3
" 6. Andrew Brown of	in the County of	-	4
" 7. Abel Brown of	in the County of	-	1
Total Shares taken			18

Witness to the above Signatures,
A.B., No. 20, Bond Street, Middlesex.

Articles of Association of the Patent Stereotype Company Limited.

" Whereas John Smith, in the annexed Memorandum of Association named, has, by a Deed bearing even Date with these Articles, vested the Patent in the said Memorandum mentioned in the Company, and has agreed to devote all his Skill and Labour to the exclusive Service of the Company.

“ It is agreed as follows :—

“ 1st. The said John Smith is to receive Five Shares in the Company as his Remuneration for the Transfer of his Patent Right. Such Shares are to be considered as paid-up Shares, and no Call is to be made in respect thereof. In addition, he is to receive a Salary of One hundred Pounds per Annum so long as he continues in the Service of the Company.

“ 2d. No Shareholder shall transfer his Shares without the Consent of the Directors expressed in Writing.

“ 3d. No Alterations shall be made in any of the Regulations contained herein or in the Memorandum of Association, but Alterations may be made in the Table B. of the Schedule to the ‘ Joint Stock Companies Act, 1856,’ in manner in such Act mentioned.

“ 4th. If any Shareholder feels aggrieved with the Refusal of the Directors to allow him to transfer his Shares, the Matter shall be settled by Arbitration.

“ 5th. Calls on the Shares of the Company not considered as paid up Shares shall be made at such Time as the Directors think fit; but no Call shall exceed Ten Pounds per Share.

“ 6th. The Company shall not be obliged to register the Transferree under the Regulation numbered Twelve in the said Table unless he is approved by the Directors, but in the event of their disapproving the Matter may be decided by Arbitration.

“ 7th. The Regulations of Table B. as to General Meetings numbered 22, 23, and 25 shall not apply.

“ 8th. The First General Meeting of the Company shall be held on the First of July next, and subsequent General Meetings shall be held on the First of July on every succeeding Year, or if that is a Sunday on the succeeding Monday.

“ 9th. An Extraordinary General Meeting may be summoned at any Time by any Two Shareholders of the Company.

“ 10th. All Matters in question between the Shareholders shall be decided by an Arbitrator appointed by the Manchester Chamber of Commerce.

“ 11th. The Regulation of Table B. as to Votes of Shareholders, numbered Thirty-eight, shall not apply, and every Shareholder shall have One Vote in respect of every Share that he holds.

“ The several Persons herein-after named, Subscribers to the Memorandum of Association, shall be the First Directors of the Company; that is to say, John Jones, Thomas Green, John Thompson, Caleb White, Andrew Brown, and Abel Brown.

Names

Names and Addresses of Subscribers.

" 1. John Jones of

in the County of

" 2. John Smith of

in the County of

" 3. Thomas Green of

in the County of

" 4. John Thomson of

in the County of

" 5. Caleb White of

in the County of

" 6. Andrew Brown of

in the County of

" 7. Abel Brown of

in the County of

Witness to the above Signatures,

A.B.,

No. 20, Bond Street, Middlesex.

TABLE D.

Section XII.

TABLE OF FEES.

For Registration of a Company whose nominal Capital does not exceed 1,000 <i>l.</i>	£	s.	d.
- - - - -	5	0	0
For every 1,000 <i>l.</i> of nominal Capital, or Part of 1,000 <i>l.</i> , after the first 1,000 <i>l.</i> , and up to 100,000 <i>l.</i> , an additional Fee of	0	5	0
For every 1,000 <i>l.</i> or Part of 1,000 <i>l.</i> after the First 100,000 <i>l.</i> , an additional Fee of	0	1	0
For Registration of any Increase in the Capital of a Company for every 1,000 <i>l.</i> or Part of 1,000 <i>l.</i> , up to 100,000 <i>l.</i> in the whole	0	5	0
For every 1,000 <i>l.</i> or Part of 1,000 <i>l.</i> beyond the First 100,000 <i>l.</i> , an additional Fee of	0	1	0
For Registration anew of any existing Company, except such Companies as are by this Act exempted from Payment of Fees in respect of Registration anew, the same Fee as is charged for registering a new Company.			
For registering any Document hereby required or authorized to be registered, other than the Memorandum of Association	0	5	0
For making a Record of any Fact hereby authorized or required to be recorded by the Registrar of Companies, a Fee of	0	5	0

FORM F.

Section
XIX.

Form of Transfer of Shares.

I of (a) in consideration of the Sum of paid to me by of do hereby transfer to the said Share [or Shares], numbered in "The Company" standing in my Name in the Books of the Company, to hold unto the said his Executors, Administrators, and Assigns, [or Successors and Assigns,] subject to the several Conditions on which I held the same at the Time of the Execution hereof; and I the said do hereby agree to take the said Share [or Shares] subject to the same Conditions. As witness our Hands, the Day of

(a) These Words will be omitted if no Consideration is paid.

FORM G.

Section.
XLII.

For England and Ireland.

Indenture of Mortgage made between the "London Gas Company Limited" of the one Part, and "John Smith" of the other Part.

Whereas the said "John Smith" has advanced to the said Company the Sum of One thousand Pounds, on condition that the Company will repay the same to him on the First Day of January next, with Interest thereon in the meantime at the Rate of Five Pounds per Centum; and in the event of their not repaying the same on the said First of January will, so long as the same remains unpaid, pay Interest thereon at the Rate of Five Pounds per Centum by equal half-yearly Payments on the First Day of July and the First Day of January in every Year.

Now it is hereby witnessed, that for securing the said Advance and Interest the Company hereby grant to the said "John Smith" and his Heirs all the Lands described in the Schedule hereto, with all their actual and reputed Appurtenances; and it is hereby declared, that if the Company fails in paying the whole of the Principal and Interest Monies hereby secured on the said First of January the said "John Smith," or any Person for the Time entitled to such Monies, may, at any Time thereafter, upon giving to the Company Three Months Notice, sell the said mortgaged Lands, and reimburse himself out of the Monies arising from the Sale all Sums due on this Security, and all Expenses incurred by him in respect of such Sale, rendering the Surplus, if any, to the Company or their Assigns. The Condition as to Notice shall apply only between the Parties to this Indenture, and shall not affect a Purchaser, a Sale to whom shall be valid notwithstanding such Notice may not have been given.

In witness, &c.

Section
XLIII.

FORM H.

For Scotland.

Bond and Disposition in Security by the "London Gas Company Limited" to "John Smith."

Whereas the said "John Smith" has advanced to the said Company the Sum of One thousand Pounds, on condition that the Company will repay the same to him on the First Day of January next, with Interest thereon in the meantime at the Rate of Five Pounds per Centum; and in the event of their not repaying the same on the said First of January will, so long as the same remains unpaid, pay Interest thereon at the Rate of Five Pounds per Centum by equal half-yearly Payments on the First Day of July and the First Day of January in every Year.

Therefore, for securing the said Advance and Interest, the said Company hereby disposes to the said "John Smith," and his Heirs and Assignees whomsoever, all and whole (describe the Lands), and it is hereby declared that if the Company fails in paying the whole of the Principal and Interest Monies hereby secured on the said First of January the said "John Smith," or any Person for the Time entitled to such Monies, may, at any Time thereafter, upon giving to the Company Three Months Notice, sell the said Lands, and reimburse himself out of the Monies arising from the Sale all Sums due on this Security, and all Expenses incurred by him in respect of such Sale, rendering the Surplus, if any, to the Company or their Assigns, the Condition as to Notice shall apply only between the Parties to this Indenture, and shall not affect a Purchaser, a Sale to whom shall be valid notwithstanding such Notice may not have been given.

In witness whereof.

(To be tested and signed in common Form.)

Joint Stock Companies

A

B I L L

[AS AMENDED IN COMMITTEE AND ON RE-COMMITMENT]

For the Incorporation and Regulation of Joint
Stock Companies and other Associations.

(Prepared and brought in by
Mr. FitzRoy, Mr. Lowe, and Viscount Palmerston.)

Ordered, by The House of Commons, to be Printed
4 April 1856.

[Bill 87.]

Under 8 oz.

26 May 1856. 19 VICT.



A

B I L L

[AS AMENDED IN COMMITTEE, ON RE-COMMITMENT, AND
ON SECOND RE-COMMITMENT]

FOR

The Incorporation and Regulation of Joint Stock Companies and other Associations.

[Note.—*The Clauses marked A. to N. were added in Committee,
the Clauses marked O. to Q. on Re-commitment, and the
Clauses marked R. to U. on Second Re-commitment.*

WHEREAS it is expedient that the Law relating to the Preamble.
Incorporation and Regulation of Joint Stock Companies
and other Associations should be consolidated and amended:
Be it therefore enacted by the Queen's most Excellent Majesty, by
5 and with the Advice and Consent of the Lords Spiritual and Tem-
poral, and Commons, in this present Parliament assembled, and by the
Authority of the same, as follows:

I. This Act may be cited for all Purposes as "The Joint Stock Short Title
of Act.
Companies Act, 1856."

10 II. This Act shall not apply to Persons associated together for the Act not to
apply to
Banking
and Insur-
ance Com-
panies.
Purpose of Banking or Insurance.

PART I.

CONSTITUTION AND INCORPORATION OF COMPANIES AND ASSOCIATIONS.

Registry.

15 III. Seven or more Persons, associated for any lawful Purpose, Company
formed by
Memoran-
dum of
Association
and Regis-
tration,
may, by subscribing their Names to a Memorandum of Association,
and otherwise complying with the Requisitions of this Act in respect
of Registration, form themselves into an Incorporated Company, with
or without Limited Liability.

[Bill 152.]

A

IV. Not

2 *Joint Stock Companies. (Part I. Constitution, &c.)*

Prohibition
against
Partnerships
exceeding
a certain
Number.

IV. Not more than Twenty Persons shall, after the Third Day of November One thousand eight hundred and fifty-six, carry on in Partnership any Trade or Business having Gain for its Object, unless they are registered as a Company under this Act, or are authorized so to carry on Business by some Private Act of Parliament or by Royal Charter or Letters Patent, or are engaged in working Mines within and subject to the Jurisdiction of the Stannaries; and if any Persons carry on Business in Partnership contrary to this Provision, every Person so acting shall be severally liable for the Payment of the whole Debts of the Partnership, and may be sued for the same without joining in the Action or Suit any other Members of the Partnership. 5 10

Matters
required to
be prescribed
by Memorandum
of Association.

V. The Memorandum of Association shall contain the following Things; (that is to say,)

1. The Name of the proposed Company; 15
2. The Part of the United Kingdom, whether England, Scotland, or Ireland, in which the registered Office of the Company is to be established;
3. The Objects for which the proposed Company is to be established;
4. The Liability of the Shareholders, whether it is to be limited or unlimited; 20
5. The Amount of the nominal Capital of the proposed Company;
6. The Number of Shares into which such Capital is to be divided, and the Amount of each Share; subject to the following Restriction: 25

That in the Case of a Company formed with Limited Liability, and herein-after called a Limited Company, the Word "Limited" shall be the last Word in the Name of the Company.

Prohibition
as to Name
of Company.

VI. No Company shall be registered under a Name identical with that by which a subsisting Company is already registered, or so nearly resembling the same as to be calculated to deceive. 30

Form of Memorandum
of Association.

VII. The Memorandum of Association shall be in the Form marked A. in the Schedule hereto, or as near thereto as Circumstances admit, and it shall, when registered, bind the Company and the Shareholders therein to the same Extent as if each Shareholder had subscribed his Name and affixed his Seal thereto or otherwise duly executed the same, and there were in such Memorandum contained, on the Part of Himself, his Heirs, Executors, and Administrators, a Covenant to conform to all the Regulations of such Memorandum, subject to the Provisions of this Act. 35 40

Shares to be
taken by
Subscribers
of Memorandum
of Association.

VIII. Every Subscriber of the Memorandum of Association shall take One Share at the least in the Company: The Number of Shares taken by each Subscriber shall be set opposite his Name in such Memorandum

Memorandum of Association, and upon the Incorporation of the Company he shall be entered in the Register of Shareholders hereinafter mentioned as a Shareholder to the Extent of the Shares he has taken.

- 5 IX. The Memorandum of Association may be accompanied by Articles of Association may pre-
or have annexed thereto or endorsed thereon Articles of Association, signed by the Subscribers to the Memorandum of Association, and prescribe Re-
prescribing Regulations for the Company; but if no such Regula-
tions are prescribed, or so far as the same do not extend to modify
10 the Regulations contained in the Table marked B. in the Schedule hereto, such last-mentioned Regulations shall, so far as the same are applicable, be deemed to be the Regulations of the Company, and shall bind the Company and the Shareholders therein to the same Extent as if they had been inserted in Articles of Association, and
15 such Articles had been registered: Any Regulation contained in the Articles of Association inconsistent with any of the Provisions of this Act shall be void.

- X. The Articles of Association shall be in the Form marked C. in the Schedule hereto, or as near thereto as Circumstances admit: They shall, when registered, bind the Company and the Shareholders
20 therein to the same Extent as if each Shareholder had subscribed his Name and affixed his Seal thereto or otherwise duly executed the same, and there were in such Articles contained, on the Part of himself, his Heirs, Executors, and Administrators, a Covenant to conform to all the Regulations of such Articles, subject to the
25 Provisions of this Act.

- XI. The Memorandum of Association and the Articles of Association shall respectively bear the same Stamps as if they were Deeds: Any Person signing a printed Copy of the Memorandum of Association or Articles of Association shall be deemed to have
30 signed such Memorandum and Articles respectively, and where the proper Stamp has been duly fixed on such Memorandum of Association or Articles of Association it shall not be necessary to stamp any printed Copy so signed: The Execution by any Person of the Memorandum of Association or Articles of Association shall be
35 attested by One Witness at the least; and Attestation by One Witness shall be sufficient Attestation in Scotland as well as in England.

- XII. The Memorandum of Association and Articles of Association shall be registered by the Registrar of Joint Stock Companies. There shall be paid to the Registrar of Joint Stock Companies, in
40 respect of the several Matters mentioned in the Table marked D. in the Schedule hereto, the several Fees therein specified, or such

smaller Fees as the Board of Trade may from Time to Time direct ;
and all Fees so paid shall be paid into the Receipt of Her Majesty's
Exchequer, and be carried to the Account of the Consolidated Fund
of the United Kingdom of Great Britain and Ireland.

Effect of XIII. Upon any such Memorandum of Association, either with or 5
Registration. without Articles of Association as aforesaid, being registered, the
Registrar shall certify under his Hand that the Company is incor-
porated, and in the Case of a Limited Company that the Company
is limited: The Subscribers of the Memorandum of Association,
together with such other Persons as may from Time to Time become 10
Shareholders in the Company, shall thereupon be a Body Corporate
by the Name prescribed in the Memorandum of Association, having
a perpetual Succession and a Common Seal, with Power to hold Lands ;
but with such pecuniary Liability on the Part of the Shareholders as
is herein-after mentioned: The Certificate of Incorporation given by 15
the Registrar shall be conclusive Evidence that all the Requisitions
of this Act in respect of Registration have been complied with; and
the Date of such Certificate shall be deemed to be the Date of the
Incorporation of the Company.

Power of XIV. As soon as a Certificate of Incorporation has been granted 20
Company to issue Shares. by the Registrar of Joint Stock Companies, the Company may issue
Certificates of Shares to the Subscribers to the Memorandum of Asso-
ciation and to all other Persons to whom Shares may be allotted:
The Shares so issued shall be Personal Estate, and shall not be of
the Nature of Real Estate: And each Share shall be distinguished 25
by its appropriate Number.

Register of Shareholders.

Manner of XV. Every Company registered under this Act, herein-after
keeping Register of Share- holders. referred to as "the Company," shall cause to be kept in One or
more Books a Register of Shareholders, and there shall be entered 30
therein the following Particulars:

- (1.) The Names, Addresses, and Occupations of the Shareholders in
the Company, and the Shares held by each of them, distinguish-
ing each Share by its Number:
- (2.) The Amount paid on the Shares of each Shareholder: 35
- (3.) The Date at which the Name of any Person was entered in
the Register as a Shareholder:
- (4.) The Date at which any Person ceased to be a Shareholder
in respect of any Share.

Annual List XVI. Once at the least in every Year a List shall be made of 40
to be made of Share- holders. all Persons who on the Fourteenth Day succeeding the Day on which
the Ordinary General Meeting of the Company, or, if there is
more

more than One Ordinary Meeting in each Year, the First of such Ordinary General Meetings is held, are Holders of Shares in the Company; and such List shall state the Names, Addresses, and Occupations of all the Persons therein mentioned, and the Number of
5 Shares held by each of them, and shall contain a Summary specifying the following Particulars:

- (1.) The Amount of the nominal Capital of the Company, and the Number of Shares into which it is divided:
 - (2.) The Number of Shares taken from the Commencement of the
10 Company up to the Date of the Summary:
 - (3.) The Amount of Calls made on each Share:
 - (4.) The total Amount of Calls that have been received:
 - (5.) The total Amount of Calls unpaid.
 - (6.) The total Amount of Shares forfeited.
- 15 The above List and Summary shall be contained in a separate Part of the Register, and shall be in the Form marked E. in the Schedule hereto, or as near thereto as Circumstances admit.

XVII. If any Company registered under this Act makes default in keeping a Register of Shareholders, in compliance with the foregoing Rules, such Company shall incur a Penalty not exceeding Five
20 Pounds for every Day during which such Default continues.

Penalty on Company not keeping a proper Register.

XVIII. No Notice of any Trust, express or implied or constructive, shall be entered on the Register or receivable by the Company; and every Person who has accepted any Share in a Company registered
25 under this Act, and whose Name is entered in the Register of Shareholders, and no other Person (except a Subscriber to the Memorandum of Association in respect of the Shares subscribed for by him) shall for the Purposes of this Act be deemed to be a Shareholder.

Definition of Shareholder.

XIX. The Transfer of any Share in the Company shall be in
30 the Form marked F. in the Schedule hereto, or to the like Effect, and shall be executed both by the Transferrer and Transferee: The Transferrer shall be deemed to remain a Holder of such Share until the Name of the Transferee is entered in the Register Book in respect thereof.

Transfer of Shares.

35 XX. A Certificate, under the Common Seal of the Company, specifying any Share or Shares held by any Shareholder, shall be prima facie Evidence of the Title of the Shareholder to the Share or Shares therein specified.

Certificate of Shares.

XXI. The Amount of Calls for the Time being unpaid on any
40 Share shall be deemed to be a Debt due from the Holder of such Share to the Company.

Calls to be a Debt to Company.

Inspection
of Register
of Share-
holders.

XXII. The Register of Shareholders shall be kept at the registered Office of the Company herein-after mentioned; except when closed as herein-after mentioned, it shall during Business Hours, but subject to such reasonable Restrictions as the Company in General Meeting may impose, so that not less than Two Hours in each Day be appointed 5 for Inspection, be open to the Inspection of any Shareholder gratis, and to the Inspection of any other Person on the Payment of One Shilling, or such less Sum as the Company may prescribe for each Inspection; if such Inspection is refused, the Company shall incur for each Refusal a Penalty not exceeding Two Pounds, and a further 10 Penalty of Two Pounds for every Day during which such Refusal continues.

Power to
close Regis-
ter of Share-
holders.

XXIII. The Company may, upon giving Notice by Advertisement in some Newspaper circulating in the District in which the registered Office of the Company is situated, close the Register of Shareholders 15 for any Time or Times not exceeding on the whole Twenty-one Days in each Year, and the Period during which the Books are closed shall not be reckoned as Part of the Time within which a Transfer is to be registered.

Remedy for
improper
Entry or
Omission of
Entry in
Register.

XXIV. If the Name of any Person is without sufficient Cause 20 entered or omitted to be entered in the Register of Shareholders of any Company, such Person, or any Shareholder of the Company, may, as respects Companies registered in England or Ireland, by Motion in any of Her Majesty's Superior Courts of Law or Equity, and as respects Companies registered in Scotland by 25 Summary Petition to the Court of Session, apply to such Court for an Order that the Register may be rectified, and the Court may either refuse such Application, with or without Costs, to be paid by the Applicant, or it may, if satisfied of the Justice of the Case, make an Order for the Rectification of the Register, and may direct the Com- 30 pany to pay all the Costs of such Motion or Petition, and any Damages the Party aggrieved may have sustained; and if the Company makes default or is guilty of unnecessary Delay in registering any Transfer of Shares, they shall be responsible to any Person injured by such Default or Delay for the Amount of Damage he may thereby have 35 sustained.

Register to
be Evidence.

XXV. The Register of Shareholders shall be Evidence of any Matters by this Act directed or authorized to be inserted therein.

Copy of Me-
morandum
of Associa-
and Articles
of Associa-
tion to be
given to
Share-
holders.

XXVI. Copies of the Memorandum of Association and Articles of Association shall be forwarded to every Shareholder, at his Request, 40 on Payment of the Sum of One Shilling for each Copy, or such less Sum as may be prescribed by the Company.

PART II.

MANAGEMENT AND ADMINISTRATION OF COMPANIES.

General.

XXVII. The Company shall have a registered Office to which
5 all Communications and Notices may be addressed: If any Company registered under this Act carries on Business without having such an Office, they shall incur a Penalty not exceeding Five Pounds for every Day during which Business is so carried on.

Registered
Office of
Company.

XXVIII. Notice of the Situation of such registered Office, and of
10 any Change therein, shall be given to the Registrar of Joint Stock Companies, and recorded by him: Until such Notice is given the Company shall not be deemed to have complied with the Provisions of this Act with respect to having a registered Office.

Notice of
Situation of
Office to be
given.

XXIX. Every Limited Company registered under this Act shall
15 paint or affix, and shall keep painted or affixed, its Name on the Outside of every Office or Place in which the Business of the Company is carried on, in a conspicuous Position, in Letters easily legible, and shall have its Name engraven in legible Characters on its Seal, and shall have its Name mentioned in legible Characters in all Notices,
20 Advertisements, and other official Publications of such Company, and in all Bills of Exchange, Promissory Notes, Endorsements by the said Company, Cheques, and Orders for Money or Goods, Bills of Parcels, Invoices, purporting to be signed by or on behalf of such Company, and in all Receipts and Letters of Credit of the Company.

Regulations
to be ob-
served by a
Limited
Company.

XXX. If any Limited Company registered under this Act does not
25 paint or affix, and keep painted or affixed, its Name, in manner aforesaid, it shall be liable to a Penalty not exceeding Five Pounds for not so painting or affixing its Name, and for every Day during which such Name is not so kept painted or affixed; and if any Officer
30 of such Company, or any Person on its Behalf, uses any Seal purporting to be a Seal of the Company whereon its Name is not so engraven as aforesaid, or issues or authorizes the Issue of any Notice, Advertisement, or signs or authorizes to be signed on behalf of such Company, other official Publication of such Company, or of
35 any Bill of Exchange, Promissory Note, Endorsement, Cheque, Order

Penalties to
be inflicted
for Non-
observance.

for Money or Goods, Bill of Parcels, Invoice, Receipt or Letter of Credit of the Company, wherein its Name is not mentioned in manner aforesaid, he shall be liable to a Penalty of Fifty Pounds, and shall further be personally liable to the Holder of any such Bill of Exchange, Promissory Note, Cheque, or Order for Money or Goods, 5 for the Amount thereof, unless the same is duly paid by the Company.

General Meeting of the Company.

XXXI. A General Meeting of the Company shall be held once at the least in every Year.

Power of Company to alter Memorandum of Association and Articles of Association, by Special Resolution.

XXXII. Any Company registered under this Act may in General Meeting, from Time to Time, by such Special Resolution as is herein- 10 after mentioned, repeal or alter and make new Provisions in lieu of any Regulations of the Company, including the Regulations contained in the Table marked B. in the Schedule.

Definition of Special Resolution.

XXXIII. A Resolution shall be deemed to be a Special Resolution of the Company whenever the same has been passed by Three Fourths 15 in Number and Value of such Shareholders of the Company for the Time being entitled to vote as may be present in Person or by Proxy (in Cases where, by the Regulations of the Company, Proxies are allowed) at any Meeting of which Notice specifying the Intention to propose such Resolution has been duly given, and such Resolution has 20 been confirmed by a Majority of such Shareholders for the Time being entitled to vote as may be present in Person or by Proxy at a subsequent Meeting, of which Notice has been duly given, and held at an Interval of not less than One Month, nor more than Three Months, from the Date of the Meeting at which such Special Resolution was first 25 passed. Unless a Poll is demanded by at least Five Shareholders a Declaration of the Chairman of any such Meeting as aforesaid, that a Special Resolution has been carried, shall be deemed conclusive Evidence of the Fact, without Proof of the Number or Proportion of the Votes recorded in favour or against the same. 30 Notice of any Meeting shall, for the Purposes of this Section, be deemed to be duly given, and the Meeting to be duly held, whenever such Notice is given and Meeting held in manner prescribed by the Regulations of the Company.

Special Resolutions to be registered.

XXXIV. A Copy of any Special Resolution that is passed by any 35 Company registered under this Act shall be forwarded to the Registrar of Joint Stock Companies, and recorded by him: If such Copy is not so forwarded within Fifteen Days from the Date of the passing of the Resolution, the Company shall incur a Penalty not exceeding Two Pounds for every Day after the Expiration of such Fifteen Days 40 during which such Copy is omitted to be forwarded.

XXXV. A

XXXV. A Copy of any Special Resolution shall be given to any Shareholder on Payment of One Shilling, or of such less Sum as the Company may direct.

Copy of Special Resolution to be given to Shareholders.

XXXVI. Notice of any Increase in the nominal Capital of a Company shall be given to the Registrar of Joint Stock Companies within Fifteen Days from the Date of the passing of the Resolution by which such Increase has been authorized, and the Registrar shall forthwith record the Amount of such Increase: If such Notice is not given within the Period aforesaid the Company shall incur a Penalty not exceeding Five Pounds for every Day during which such Neglect to give Notice continues.

Notice to Registrar of Increase of Capital.

XXXVII. If any Company registered under this Act carries on Business when the Number of its Shareholders is less than Seven, for a Period of Six Months after the Number has been so reduced, then every Person who is a Shareholder in such Company during the Time that it so carries on Business after such Period of Six Months shall be severally liable for the Payment of the whole Debts of the Company contracted during such Time, and may be sued for the same without joining in the Action or Suit any other Shareholder.

CLAUSE A. Prohibition against carrying on Business with less than Seven Shareholders.

XXXVIII. The Company shall cause Minutes of all Resolutions and Proceedings of General Meetings of the Company to be duly entered in Books to be from Time to Time provided for the Purpose, and any such Minute as aforesaid, if signed by any Person purporting to be the Chairman of such Meeting, shall be receivable in Evidence in all legal Proceedings, and until the contrary is proved every General Meeting in respect of the Proceedings of which Minutes have been so made shall be deemed to have been duly held and convened.

Evidence of Proceedings of Meetings.

Legal Instruments of Company.

XXXIX. Contracts on behalf of any Company registered under this Act may be made as follows; (that is to say,)

Rules as to Contracts.

(1.) Any Contract which if made between private Persons would be by Law required to be in Writing, and if made according to English Law to be under Seal, may be made on behalf of the Company in Writing under the Common Seal of the Company, and such Contract may be in the same Manner varied or discharged:

(2.) Any Contract which if made between private Persons would be by Law required to be in Writing, and signed by the Parties to be charged therewith, may be made on behalf of the Company in Writing signed by any Person acting under

[152.]

B

the

10 *Joint Stock Companies. (Part II. Management, &c.)*

the express or implied Authority of the Company, and such Contract may in the same Manner be varied or discharged :

- (3.) Any Contract which if made between private Persons would by Law be valid although made by Parol only, and not reduced into Writing, may be made by Parol on behalf of the Com- 5
pany by any Person acting under the express or implied Authority of the Company, and such Contract may in the same Way be varied or discharged.

Execution of Deeds.

Power for
Attorney
to execute
Deeds
abroad.

XL. Any Company registered under this Act may, by Instru- 10
ment or Writing under their Common Seal, empower any Person, either generally or in respect of any specified Matters, as their Attorney to execute Deeds on their Behalf in any Place not situate in the United Kingdom, and every Deed signed by such Attorney, on behalf of the Company, and under his Seal, shall be binding on the 15
Company to the same Extent as if it were under the Common Seal of the Company.

Promissory
Notes and
Bills of
Exchange.

XLI. A Promissory Note or Bill of Exchange shall be deemed to have been made, accepted, or endorsed on behalf of any Company registered under this Act, if made, accepted, or endorsed in the Name 20
of the Company by any Person acting under the express or implied Authority of the Company.

Mortgages
by Company
according to
English Law.

XLII. In any Mortgage made according to English Law by any Company registered under this Act there shall be implied the following Covenants (unless Words expressly negating such Impli- 25
cation are contained therein); that is to say, a Covenant on the Part of the Company to pay the Money thereby secured, and Interest thereon, at the Time and Rate therein mentioned; a Covenant that they have Power to convey or assure the Property declared to be conveyed or assured to the Mortgagee free from Incumbrances; and 30
a Covenant for further Assurance of such Property, at the Expense of the Company, to the Mortgagee or any Person claiming through, under, or in trust for him; and if a Power of Sale is thereby given such Power shall imply an Authority to sell by Public Auction or Private Contract, altogether or in Parcels, and to make, rescind, or 35
vary Contracts for Sale or Resale without being liable for Loss, and also an Authority to give effectual Receipts for Purchase Monies, and such Mortgage may be in the Form marked G. in the Schedule hereto, or as near thereto as Circumstances admit.

CLAUSE B.
Bond and
Disposition
in Security

XLIII. In any Bond and Disposition in Security made according to 40
Scotch Law by any Company registered under this Act there shall
be

be implied the following Obligations and Undertakings (unless Words expressly negating such Implication are contained therein); that is to say, an Obligation on the Part of the Company to pay the Money thereby secured, and Interest thereon, at the Time and Rate therein
5 mentioned; an Undertaking that they have Power to convey the Property declared to be conveyed to the Heritable Creditor free from Incumbrances; and an Obligation to make and execute, at the Expense of the Company, in favour of the Heritable Creditor, or any Person claiming through, under, or in trust for him, any further Deed
10 necessary to give Effect and Validity to the Security; and if a Power of Sale is thereby given, such Power shall imply an Authority to sell by Public Auction or Private Contract, altogether or in Parcels, and to make, rescind, or vary Contracts of Sale or Re-sale, without being liable for Loss, and also an Authority to give effectual Receipts for
15 Purchase Monies; and such Bond and Disposition in Security may be in the Form marked H. in the Schedule hereto, or as near thereto as Circumstances admit, and shall be registered in the General or Particular or Burgh Register of Sasines, as the Case may be, and being so registered shall be equivalent to a Bond and Disposition in
20 Security in ordinary Form, containing Power of Sale, and duly recorded in the Register of Sasines.

XLIV. In any Conveyance or Assurance made according to English Law by any Company registered under this Act there shall be implied (unless Words expressly negating such Implication
25 are contained therein) the following Covenants on the Part of the Company; (that is to say,)

A Covenant that, notwithstanding any Act or Default done by the Company, they were at the Time of the Execution of such Conveyance or Assurance seised or possessed of the Lands or
30 Premises thereby conveyed or assured for an indefeasible Estate of Inheritance in Fee Simple, free from Incumbrances occasioned by them, or otherwise for such Estate or Interest as therein expressed to be assured, free from Incumbrances occasioned by them:

35 A Covenant that the Person to whom such Lands or Premises are conveyed or assured, his Heirs, Successors, Executors, Administrators, and Assigns, (as the Case may be,) shall quietly enjoy the same against the Company and their Successors, and all other Persons claiming under them, and be indemnified and
40 saved harmless by the Company and their Successors from all Incumbrances occasioned by the Company:

A Covenant for further Assurance of such Lands or Premises at the Expense of the Person to whom the same are conveyed

or assured, his Heirs, Successors, Executors, Administrators, or Assigns, (as the Case may be,) by the Company or their Successors, and all other Persons claiming under them.

CLAUSE C.
Disposition
made by
Company
according to
Scotch Law.

XLV. In any Disposition of Heritable Property granted according to Scotch Law by any Company registered under this Act there shall be implied, unless Words expressly excluding such Implication are contained therein, an Obligation of absolute Warrandice, and an Obligation to complete the Company's Title at its own Expense so far as necessary to validate or give full Effect to such Disposition, and an Obligation to grant also at its own Expense any further Deeds which may be necessary to render such Disposition effectual. 5 10

Examination of Affairs of Company.

Circum-
stances under
which Board
of Trade
may order
Examination
of Affairs of
Company.

XLVI. Upon the Application of One Fifth in Number and Value of the Shareholders of any Company registered under this Act, the Board of Trade may appoint One or more competent Inspectors to examine into the Affairs of the Company, and to report thereon in such Manner as the Board of Trade directs. 15

Inspection
of Books.

XLVII. It shall be the Duty of all Officers and Agents of the Company to produce for the Examination of the Inspectors all Books and Documents in their Custody or Power: Any Inspector may examine upon Oath the Officers and Agents of the Company in relation to its Business: If any Officer or Agent refuses to produce any such Book or Document, or to answer any Question relating to the Affairs of the Company, he shall incur a Penalty not exceeding Five Pounds in respect of each Offence. 20 25

Result of
Examination
how dealt
with.

XLVIII. Upon the Conclusion of the Examination the Inspectors shall report their Opinion to the Board of Trade. Such Report shall be written or printed, as the Board of Trade directs. A Copy shall be forwarded by the Board of Trade to the registered Office of the Company, and a further Copy shall, at the Request of the Shareholders upon whose Application the Inspection was made, be delivered to them or to any One or more of them. All Expenses of and incidental to any such Examination as aforesaid shall be defrayed by the Shareholders upon whose Application the Inspectors were appointed. 30

Company
may appoint
Inspectors.

XLIX. Any Company registered under this Act may in General Meeting appoint Inspectors for the Purpose of examining into the Affairs of the Company: The Inspectors so appointed shall have the same Powers and perform the same Duties as Inspectors appointed by the Board of Trade, with this Exception, that, instead of making their Report to the Board of Trade, they shall make the same in such 40 such

such Manner and to such Persons as the Company in General Meeting direct, and the Officers and Agents of the Company shall incur the same Penalties, in case of any Refusal to produce any Book or Document to such Inspectors, or to answer any Question, as they would
5 have incurred if such Inspectors had been appointed by the Board of Trade.

L. A Copy of the Report of any Inspectors appointed under this Act, authenticated by the Seal of the Company into whose Affairs they have made Inspection, shall be admissible as Evidence in
10 any legal Proceeding.

Copy of Report of Inspectors to be Evidence.

Notices.

LI. Any Summons or Notice requiring to be served upon the Company may be served by leaving the same, or sending it through the Post addressed to the Company, at their registered Office, or by
15 giving it to any Director, Secretary, or other principal Officer of the Company.

Notice on Company how served.

LII. Notices by Letter shall be posted in such Time as to admit of the Letter being delivered in the due Course of Delivery within the Period (if any) prescribed for the giving of such Notice; and
20 in proving such Service it shall be sufficient to prove that such Notice was properly directed, and that it was put into the Post Office.

Rule as to Notices by Letter.

LIII. Any Summons, Notice, Writ, or Proceeding requiring Authentication by the Company may be signed by any Director, Secretary, or other authorized Officer of the Company, and need not be under
25 the Common Seal of the Company, and the same may be in Writing or in Print, or partly in Writing and partly in Print.

Authentication of Notices of Company.

Legal Proceedings.

LIV. All Offences under this Act made punishable by any Penalty may be prosecuted summarily before Two or more Justices,
30 as to England in manner directed by an Act passed in the Session holden in the Eleventh and Twelfth Years of the Reign of Her Majesty Queen Victoria, Chapter Forty-three, intituled "An Act to
" facilitate the Performance of the Duties of Justices of the Peace out
" of Sessions within England and Wales with respect to Summary
35 " Convictions and Orders;" and as to Scotland, before Two or more Justices or the Sheriff of the County, in the Manner directed by the Act passed in the Session of Parliament holden in the Seventeenth and Eighteenth Years of the Reign of Her Majesty Queen Victoria, Chapter One hundred and four, intituled "An Act to amend and
40 " consolidate the Acts relating to Merchant Shipping," as regards Offences in Scotland against that Act, not being Offences which by

[152.]

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that

that Act is described as a Felony or Misdemeanor; and as to Ireland, in the Manner directed by the Act passed in the Session holden in the Fourteenth and Fifteenth Years of the Reign of Her Majesty Queen Victoria, Chapter Ninety-three, intituled "An Act to consoli-
" date and amend the Acts regulating the Proceedings of Petty 5
" Sessions, and the Duties of Justices of the Peace out of Quarter
" Sessions in Ireland," or any Act passed for the Amendment of the above-mentioned Acts.

Application
of Penalties.

LV. The Justices or Sheriff imposing any Penalty under this Act may direct the whole or any Part thereof to be applied in or towards 10
Payment of the Costs of the Proceedings, or in or towards the rewarding the Person upon whose Information or at whose Suit such Penalty has been recovered; and, subject to such Direction, all Penalties shall be paid into the Receipt of Her Majesty's Exchequer, in such Manner as the Treasury may direct, and shall be carried to and form Part of 15
the Consolidated Fund of the United Kingdom.

Alteration of Forms.

Board of
Trade may
alter Forms
in Schedule.

LVI. The Board of Trade may from Time to Time make such Alterations in the Forms and Tables contained in the Schedule hereto as they deem requisite, they shall publish any Form or Table when 20
altered in the London Gazette, and upon such Publication being made, it shall have the same Force as if it were included in the Schedule to this Act.

PART III.

WINDING-UP.

25

Preliminary.

Application
of Part III.
of Act.

LVII. The Provisions of this Act relating to the winding-up of Companies shall apply to all Companies registered under this Act, and to all Companies registered under the Act passed in the Eighth Year of the Reign of Her present Majesty, Chapter One hundred 30
and ten, and intituled "An Act for the Registration, Incorporation, "and Regulation of Joint Stock Companies," from and after the Date at which they have obtained Registration anew under this Act in manner herein-after mentioned.

Definition of
"the Court."

LVIII. The Expression "the Court," as used in the Third Part of 35
this Act, shall mean the following Authorities; (that is to say,)

In the Case of a Company engaged in working any Mine within and subject to the Jurisdiction of the Stannaries,—the Court of
the Vice-Warden of the Stannaries: *Longa et al. v. Stannaries*

[1831] In

In the Case of a Limited Company registered in England that is not engaged in working any such Mine as aforesaid, the Court of Bankruptcy having Jurisdiction in the Place in which the registered Office of the Company is situate :

- 5 In the Case of a Limited Company registered in Ireland, whose registered nominal Capital does not exceed Five thousand Pounds, —the Commissioners of Bankrupt in Ireland :

In all Cases not herein-before provided for, the same Expression shall mean as respects Companies registered in England the High Court of Chancery of England, as respects Companies registered in Scotland the Court of Session in either Division thereof, and as respects Companies registered in Ireland the Court of Chancery of Ireland.

- And any Court to which Jurisdiction is given by the Third Part of this Act, not being the Court of Chancery or the Court of Session, shall, in addition to its ordinary Powers, have the same Power of enforcing any Orders made by it in pursuance of this Act, if in England, as the Court of Chancery has, if in Scotland, as the Court of Session in either Division has, if in Ireland, as the Court of Chancery in Ireland has, in relation to Matters within the Jurisdiction of such Courts respectively.

- LIX. In the event of any Company being wound up by the Court or voluntarily the existing Shareholders shall be liable to contribute to the Assets of the Company to an Amount sufficient to pay the Debts of the Company, with this Qualification, that if the Company is limited no Contribution shall be required from any Shareholder exceeding the Amount, if any, unpaid on the Shares held by him.

Liability of present Shareholders in respect of Debts.

- LX. In the event of any Company other than a Limited Company being wound up by the Court or voluntarily, any Person who has ceased to be a Shareholder within the Period of Three Years prior to the Commencement of the winding-up shall be deemed, for the Purposes of Contribution towards Payment of the Debts of the Company, to be an existing Shareholder, and shall have in all respects the same Rights, and be subject to the same Liabilities to Creditors, as if he had not so ceased to be a Shareholder, with this Exception, that he shall not be liable in respect of any Debt of the Company contracted after the Time at which he ceased to be a Shareholder.

Liability of former Shareholders in a Company other than a Limited Company with respect to Debts.

- LXI. In the event of any Limited Company being wound up by the Court or voluntarily, any Person who has ceased to be a Holder of any Share or Shares within the Period of One Year prior to the Commencement of the winding-up shall be deemed, for the Purposes

Liability of former Shareholders in a Limited Company with respect to Debts.

of Contribution towards Payment of the Debts of the Company, to be an existing Holder of such Share or Shares, and shall have in all respects the same Rights and be subject to the same Liabilities to Creditors as if he had not so ceased to be a Shareholder.

Commence-
ment of
winding-up
of Company,
how deter-
mined.

LXII. The winding-up shall, if the Company is wound up by the Court, be deemed to commence at the Time of the Presentation of such Petition as is herein-after required to be presented to the Court, and if the Company is wound up voluntarily, be deemed to commence at the Time of the passing of the Resolution authorizing such winding-up. 5 10

Definition of
"Contribu-
tory," and
legal Charac-
ter of his
Liability.

LXIII. Any existing or former Shareholder upon whom Calls are authorized to be made by the Third Part of this Act is herein-after called "a Contributory," and the Representatives of any deceased Contributory shall be liable in a due Course of Administration to the same Extent as such Contributory would be liable under the Third Part of this Act, if alive, and any Sums which he is hereby made liable to pay shall, in England and Ireland, be deemed to be Debts due from him to the Company of which he is Contributory. 15

Rights of
Contribu-
tories
between
themselves.

LXIV. For the Purpose of ascertaining the Liability of existing and former Shareholders as between themselves, the following Rule shall be adopted; (that is to say,) 20

- (1.) In the Case of a Company other than a Limited Company every Transferree of Shares shall, in a Degree proportioned to the Shares transferred, indemnify the Transferrer against all existing and future Debts of the Company: 25
- (2.) In the Case of a Limited Company every Transferree shall indemnify the Transferrer against all Calls made or accrued due on the Shares transferred subsequently to the Transfer.

Winding-up by Court.

Circum-
stances under
which Com-
pany may be
wound up
by Court.

LXV. A Company may be wound up by the Court under the following Circumstances; (that is to say,) 30

- (1.) Whenever the Company in General Meeting has passed a Special Resolution requiring the Company to be wound up by the Court:
- (2.) Whenever the Company suspends its Business for the Space of a whole Year: 35
- (3.) Whenever the Shareholders are reduced in Number to less than Seven:
- (4.) Whenever the Company is unable to pay its Debts:
- (5.) Whenever Three Fourths of the Capital of the Company have been lost or become unavailable. 40

LXVI. A

LXVI. A Company shall be deemed to be unable to pay its Debts, Company when deemed to be unable to pay its Debts

- (1.) Whenever a Creditor to whom the Company is indebted in a Sum exceeding Fifty Pounds then due has served on the Company, by leaving the same at their registered Office, a Demand under his Hand requiring the Company to pay the Sum so due, and the Company have for the Space of Three Weeks succeeding the Service of such Demand neglected to pay such Sum, or to secure or compound for the same to the Satisfaction of the Creditor:
- (2.) Whenever, in England and Ireland, Execution issued on a Judgment Decree or Order pronounced by any Court in favour of any Creditor in any Suit or other legal Proceeding instituted by such Creditor against the Company is returned unsatisfied, in whole or in part, by the Sheriff of the County in which the registered Office of the Company is situate.
- (3.) Whenever, in Scotland, the Induciæ of a Charge for Payment on an Extract Decree, or an Extract registered Bond, or an Extract registered Protest, have expired without Payment being made.

LXVII. Any Application for the winding-up of a Company shall be by Petition, and there shall be filed or lodged at the Time when such Petition is presented an Affidavit verifying the same: Such Petition may, in Cases where the Company is unable to pay its Debts, be presented either by a Creditor or a Contributory, but where any other Ground is alleged for winding up the Company a Contributory alone is entitled to present the Petition. Application for winding-up to be by Petition.

LXVIII. Upon the Hearing of any Petition presented by a Creditor, the Court may dismiss such Petition, with or without Costs, to be paid by the Petitioner, or it may make an Order or pronounce an Interlocutor directing the Company, by a Day to be named in the Order or Interlocutor, to pay or secure Payment to the Creditor of all Monies that may be proved due to him, together with such Costs as the Court may direct; or the Court may, if it so thinks fit, on the Hearing of such Petition, make an Order or Decree for winding up the Company in the first instance, or such other Order as it deems just. Course to be pursued by Court on the Hearing of the Petition of a Creditor.

LXIX. If at the Expiration of the Time named in such Order or Interlocutor such Payment is not made, or Security given, the Court may thereupon make an Order or Decree for winding up the Company. Court may make an Order for winding-up Company on Creditor's Petition.

LXX. Upon the Hearing of a Petition presented by a Contributory, the Court may dismiss such Petition, with or without Costs, to be paid by the Petitioner, or it may direct an Inquiry to be made Course to be pursued by Court on Petition of Contributory.

as to whether it will be beneficial to the Shareholders that the Company should be wound up, and may adjourn such Petition, and on a subsequent Day make an Order or Decree directing the Company to be wound up; or the Court may, if it think fit, on the Hearing of such Petition, make an Order or Decree for winding up the Company 5 in the first instance.

Effect of the Order for winding-up the Company.

LXXI. After the Date of such Order or Decree for winding up the Company, all Suits and Actions against the Company shall, if the Court so orders, be stayed: No Director or other Officer of the Company shall, without the Sanction of the Court, dispose of any of 10 the Property, Effects, or Things in Action of the Company, and no Transfer of any Shares shall be valid without the Sanction of the Court: A Copy of such Order or Decree shall forthwith be reported by the Company to the Registrar of Joint Stock Companies, who shall make a Minute thereof in his Books relating to the Company. 15

CLAUSE D.
Power of Court of Chancery to remit winding-up to Court of Bankruptcy.

LXXII. In Cases where the Court of Chancery in England or Ireland makes an Order for winding up a Company, it may, if it thinks fit, direct all or any subsequent Proceedings for winding-up the same to be had in the Court of Bankruptcy having Jurisdiction within the District where the registered Office of the Company is 20 situate, or if the Company is formed for the Purpose of working any such Mine as is within and subject to the Jurisdiction of the Stannaries, in the Court of the Vice-Warden of the Stannaries; and upon such Order being made the Court therein named shall have the same Jurisdiction and exercise the same Powers with respect to winding up 25 such Company as it would have and exercise in a Case by this Act declared to be within its Jurisdiction.

Court to cause Assets to be collected and applied in due Course.

LXXIII. As soon as may be after making an Order or Decree for winding up the Company the Court shall cause the Assets of the Company to be collected, and applied in discharge of its Liabilities 30 in a due Course of Administration.

CLAUSE O.
Provision against fraudulent Preference.

LXXIV. Any such Conveyance, Mortgage, Delivery of Goods, Payment, Execution, or other Act relating to Property, as would, if made or done by or against any individual Trader, be deemed in the 35 event of his Bankruptcy to have been made or done by way of fraudulent Preference of any Creditor of such Trader, shall, if made or done by or against any Company registered under this Act, be deemed, in the event of an Order being made for winding up such Company, to have been made or done by way of fraudulent Pre- 40 ference of some Creditor of such Company, and shall be invalid accordingly; and for the Purposes of this Section the Presentation of a Petition for winding up a Company shall be deemed to correspond with

with the filing of a Petition for Adjudication of Bankruptcy in the Case of an individual Trader.

LXXV. The Court may, after it has made an Order for winding up the Company, summon before it any Person known or suspected to have in his Possession any of the Estate or Effects of the Company, or supposed to be indebted to the Company, or any Person whom the Court may deem capable of giving Information concerning the Trade, Dealings, Estate, or Effects of the Company; and the Court may require any such Person to produce any Books, Papers, Deeds, Writings, or other Documents in his Custody or Power which may appear to the Court requisite to the full Disclosure of any of the Matters which the Court thinks necessary to be inquired into for the Purpose of winding up the Company; and if any Person so summoned refuses to come before the Court at the Time appointed, having no lawful Impediment (made known to the Court at the Time of its sitting, and allowed by it), the Court may by Warrant authorize and direct the Persons therein named for that Purpose to apprehend such Person, and bring him before the Court for Examination.

CLAUSE R.
Court empowered to summon Persons suspected of having Bankrupt Property, &c.

LXXVI. The Court may examine upon Oath, either by Word of Mouth or upon written Interrogatories, any Person appearing or brought before them in manner aforesaid, concerning the Trade, Dealings, Estate, or Effects of the Company, and may reduce into Writing the Answers of every such Person, and require him to sign and subscribe the same.

CLAUSE S.
Power to examine Persons summoned or present at any Sitting.

LXXVII. If any Director, Officer, or Contributory of any Company for the winding up of which an Order or Decree may be made under this Act, after the Date of such Order or Decree, or previously thereto, with Intent to defeat the Object of this Act, destroys, mutilates, alters, or falsifies any Books, Papers, Writings, or Securities, or makes, or is privy to the making of any false or fraudulent Entry in any Register, Book of Account, or other Document belonging to the Company, with Intent to defraud the Creditors or Contributories of such Company or any of them, every Person so offending shall be deemed to be guilty of a Misdemeanor, and upon being convicted shall be liable to Imprisonment for any Term not exceeding Two Years, with or without Hard Labour.

CLAUSE T.
Penalty on Directors, Officers, or Contributories of Company falsifying Books.
12 & 13 Vict. c. 106. s. 252.

LXXVIII. If any Attachment, Sequestration, or Execution is issued against the Company, by virtue whereof the Lands, Tenements, Goods, Money, and Chattels of the Company, or any of them, may be attached, sequestered, or taken in Execution, at any Time within Three Months next before the filing of the Petition of winding up the Company, such Attachment, Sequestration, or taking in Execution shall be void in favour of the Liquidators of the Company, as against

CLAUSE U.
Attachments, Sequestrations, and Executions within Three Months of Petition to be void.

the attaching, sequestrating, or Execution Creditor, whether the same has been completely executed or not, except that such Creditor shall, if the Attachment, Sequestration, or Execution would have been valid but for this Provision, be entitled to retain out of any Money already realized, or to proceed with the Attachment, Sequestration, or Execu- 5
tion for the Purpose of realizing his Costs of Suit, and of the Attachment, Sequestration, or Execution, and on Satisfaction of such Costs, or on Tender of the Amount thereof by the Liquidators to the Creditor, it shall be lawful for the Liquidators to recover from such Creditor the Property so attached, sequestrated, and taken in Execution, 10
and the Proceeds thereof, or the Residue thereof, as the Case may be.

Books of
Company to
be Evidence. LXXIX. All Books, Accounts, and Documents of the Company, and of the official Liquidators herein-after mentioned, shall, as between the Contributories of the Company, be *prima facie* Evidence of the Truth of all Matters therein contained, and purporting to be therein 15
recorded.

Power of
Court to
make Calls. LXXX. The Court may, at any Time after making an Order or Decree for winding up the Company, and before it has ascertained the Sufficiency of the Assets of the Company, or the Debts in respect of which the several Classes of Contributories are liable, 20
make Calls on all or any of the Contributories, to the Extent of their Liability, for Payment of all or any Sums it deems necessary to satisfy the Debts of the Company and the Costs of winding it up, and it may, in making a Call, take into consideration the Probability that some of the Contributories upon whom the same is made may partly 25
or wholly fail to pay their respective Portion of the same.

Payment of
Money into
the Bank. LXXXI. All Monies received under the Direction of the Court on account of the Sale or Conversion of any of the Assets of the Company, or in respect of Calls made on any Contributories, or of any other Matter, shall be paid into such Bank, and to the Credit of 30
such Account as the Court may direct; and no Money standing to such Account shall be paid out by the Bank except upon Cheques signed in such Manner as the Court directs.

Court may
grant Injunction or
Interdict. LXXXII. The Court may, at any Time after the Presentation of a Petition for winding-up a Company, upon the Application by Motion 35
of any Creditor or Contributory of such Company, restrain further Proceedings in any Action or Suit against the Company; it may also, by Notice or Advertisement, require all Creditors to present and prove their Claims within a certain Time, or be precluded from the Benefit of any Distribution which may be made before such Claim is proved. 40

Power of
Court to stay
Proceedings. LXXXIII. The Court may, at any Time after an Order or Decree has been made for winding up a Company, upon the Application by
Motion

Motion of any Creditor or Contributory of the Company, and upon due Proof that all Proceedings in relation to such winding-up ought in Justice to be stayed, make an Order staying the same, either altogether or for a limited Time, on such Terms and subject to such Conditions as it
5 deems fit.

LXXXIV. As soon as the Creditors are satisfied, the Court shall proceed to adjust the Rights of the Contributories amongst themselves; and to distribute any Surplus that may remain amongst the Parties entitled thereto, and for the Purposes of such Adjustment
10 it may make Calls on the Contributories to the Extent of their Liability for Payment of such Sums as it deems necessary; and it may, in making a Call, take into consideration the Probability that some of the Contributories upon whom the same is made may partly or wholly fail to pay their respective Portion of the same.

CLAUSE E.
Power of Court to adjust Rights of Contributories.

LXXXV. The Court may make such Order as to the Priority and Payment out of the Estate of the Company of the Costs, Charges, and Expenses incurred in winding-up any Company as it thinks just.
15

CLAUSE F.
Court may make Order as to Costs.

Official Liquidators.

LXXXVI. For the Purpose of conducting the Proceedings in winding up a Company, and assisting the Court therein, the Court may, after requiring due Security appoint such Persons or Person, either provisionally or otherwise, as it thinks fit, to the Office of Official Liquidators; it may from Time to Time remove any Person or Persons so appointed, and fill up any Vacancy occasioned by such Removal or
20 by the Death or Resignation of any such Appointee or Appointees; if One Person only is appointed, he shall have all the Powers hereby given to several Liquidators; if more Persons than One are appointed, the Court shall declare whether any Act hereby required or authorized to be done by the Official Liquidators may be done by all or any One
25 or more of such Persons.
30

Appoint-ment of Official Liquidators.

LXXXVII. The Official Liquidators or Liquidator shall be described by the Style of the Official Liquidators or Official Liquidator of the particular Company in respect of which they or he are or is appointed, and not by their or his individual Names or Name; they or he shall take
35 into their or his Custody all the Property, Effects, and Things in Actions of the Company, and shall perform such Duties in reference to the winding up of the Company as may be imposed by the Court.

Style and Duties of Official Liquidators.

LXXXVIII. The Official Liquidators shall have Power, with the Sanction of the Court, to do the following Things,—
40 To bring or defend any Action, Suit, or Prosecution, or other legal Proceeding, Civil or Criminal, in the Name and on behalf of the Company:

Powers of Official Liquidators.

To carry on the Business of the Company, so far as may be necessary for the beneficial winding-up of the same :

To sell the Real and Personal and Heritable and Moveable Property, Effects, and Things in Action of the Company by Public Auction or Private Contract, with Power, if they think fit, to transfer the whole thereof to any Person or Company, or to sell the same in Parcels :

To execute in the Name and on behalf of the Company all Deeds, Receipts, and other Documents they may think necessary, and for that Purpose to use, when necessary, the Company's Seal : 10

To refer Disputes to Arbitration, and compromise any Debts or Claims :

To prove, claim, rank, and draw a Dividend, in the Matter of the Bankruptcy or Insolvency or Sequestration of any Contributory, for any Balance against the Estate of such Contributory, and to take and receive Dividends in respect of such Balance, in the Matter of Bankruptcy or Insolvency or Sequestration, as a separate Debt due from such Bankrupt or Insolvent, and rateably with the other separate Creditors : 15

To draw, accept, make, and endorse any Bill of Exchange or Promissory Note, and also to raise upon the Security of the Assets of the Company from Time to Time any requisite Sum or Sums of Money ; and the drawing, accepting, making or endorsing of every such Bill of Exchange or Promissory Note as aforesaid on behalf of the Company shall have the same Effect with respect to the Liability of such Company as if such Bill or Note had been drawn, accepted, made, or endorsed by such Company in the Course of carrying on the Business thereof : 20

To do and execute all such other Things as may be necessary for winding up the Affairs of the Company and distributing its Assets. 30

Appoint-
ment of
Solicitor to
Official
Liquidators.

LXXXIX. The Court may appoint a Solicitor or Law Agent, and such Clerks or Officers as may be necessary to assist the Official Liquidators in the Performance of their Duties : There shall be paid to such Solicitor or Law Agent, Clerks and Officers, such Remuneration by way of Per-centage or otherwise as the Court directs. 35

Remunera-
tion of
Official Li-
quidators.

XC. There shall be paid to the Official Liquidators such Salary or Remuneration, by way of Percentage or otherwise, as the Court directs.

Dissolution
of Company.

XCI. When the Affairs of the Company have been completely wound up, the Court shall make an Order or Decree declaring the Company to be dissolved from the Date of such Order or Decree, and the Company shall be dissolved accordingly. 40

XCII. Any

XCII. Any Order or Decree so made shall be reported by the Registrar to make Minute of Dissolution of Company.
 Official Liquidators to the Registrar of Joint Stock Companies, who shall make a Minute accordingly in his Books of the Dissolution of such Company.

5 XCIII. In England, the Lord Chancellor of Great Britain, with the Advice and Consent of the Master of the Rolls and any One of the Vice-Chancellors for the Time being, or with the Advice and Consent of any Two of the Vice-Chancellors, may, as often as Circumstances require, make such Rules concerning the Mode of proceeding to be
 10 had for winding up a Company in the Court of Chancery as may from Time to Time seem necessary ; but until such Rules are made the general Practice of the Court of Chancery, including the Practice hitherto in use in winding up Companies, shall, so far as the same is applicable, and not inconsistent with this Act, apply to all Proceedings
 15 for winding up a Company, and Official Liquidators shall be considered as occupying in all respects the Place of an Official Manager.

XCIV. In Ireland, the Lord Chancellor of Ireland may, as respects the winding up of Companies in Ireland, with the Advice and Consent of the Master of the Rolls in Ireland, exercise the same Power of
 20 making Rules as is by this Act herein-before given to the Lord Chancellor of Great Britain ; but until such Rules are made the general Practice of the Court of Chancery in Ireland, including the Practice hitherto in use in Ireland in winding up Companies, shall, so far as the same is applicable, and not inconsistent with this Act, apply to all
 25 Proceedings for winding up a Company, and Official Liquidators shall in all respects be considered as occupying the Place of an Official Manager.

XCv. In Scotland the Court of Session may, by Act of Sederunt, exercise the same Power of making Rules of Practice as is herein-
 30 before given to the Lord Chancellor of Great Britain as regards England ; but until such Rules are made the general Practice of the Court of Session in Suits pending in such Court shall, so far as the same is applicable, and not inconsistent with this Act, apply to all Proceedings for winding up a Company, and Official Liquidators shall
 35 in all respects be considered as possessing the same Powers as any Trustee on a Bankrupt Estate.

XCVI. The Vice-Warden of the Stannaries may from Time to Time, with the Approval of the Lord Chancellor of Great Britain, make such General Rules as may be necessary or expedient for the Purpose
 40 of carrying into execution the Powers conferred by this Act upon the Court of the said Vice-Warden ; but, subject to such Rules, the general

Practice of the said Court in Cases within the Jurisdiction thereof shall, so far as the same is applicable, and not inconsistent with this Act, apply to all Proceedings under this Act; and any Order made by the Vice-Warden of the Stannaries may be enforced in the same Manner in which Orders made in Proceedings within the ordinary 5 Jurisdiction of such Court are enforced; and for the Purpose of Jurisdiction any Company engaged in working any Mine within and subject to the Jurisdiction of the Stannaries shall be deemed to be resident within the Stannaries, and at the Place where such Mine is situate.

CLAUSE H.
Power of
Commis-
sioners of
Bankruptcy
to make
Rules.

XCVII. Any Two Commissioners of Bankruptcy appointed by the 10 Lord Chancellor of Great Britain may, as respects the Courts of Bankruptcy in England, and the Commissioners of Bankrupt in Ireland may, as respects the Courts of Bankruptcy in Ireland, make Rules as they respectively from Time to Time, but subject to the Approval of the Lord Chancellors of Great Britain and Ireland 15 respectively, think fit, for the Purpose of regulating the Proceedings in such Courts for winding up Companies, but, subject to such Rules, the general Practice of the Courts of Bankruptcy in England and Ireland respectively, in Cases within the ordinary Jurisdiction of such Courts, shall, so far as the same is applicable, and not inconsistent with 20 this Act, apply to all Proceedings under this Act, and any Order made by any Commissioner of Bankruptcy in such Proceedings may be enforced in the same Manner in which Orders made in Proceedings within the ordinary Jurisdiction of such Court are enforced.

Rules to be
made with
respect to
Fees.

XCVIII. The Lord Chancellor of Great Britain as respects the 25 Courts of Chancery and Bankruptcy in England, the Lord Chancellor of Ireland as respects the Courts of Chancery and Bankruptcy in Ireland, the Court of Session in Scotland by Act of Sederunt as respects Proceedings in such Court, may make Rules specifying the Fees to be paid in respect of Proceedings taken under the Third Part 30 of this Act for winding up a Company in such Courts respectively, and the Fees so paid in any Court of Chancery or Bankruptcy shall be applied in the Manner in which Fees taken in such Courts in ordinary Proceedings are applied; and as respects Fees to be paid in like Proceedings in the Court of the Vice-Warden of the Stannaries 35 it shall be lawful for the Vice-Warden to authorize Fees not exceeding in Number or Amount the Fees so authorized from Time to Time by the Lord Chancellor of Great Britain to be paid in Courts of Bankruptcy, and the Council of the Prince of Wales, or the Special Commissioners for managing the Affairs of the Duchy, as the Case 40 may be, may direct in what Manner the Monies arising from such Fees are to be applied towards the annual Expenses of the Court, or towards the Payment or in augmentation of the present Official Salaries.

XCIX. The

- XCIX. The District Commissioners of the Court of Bankruptcy and the Judges of the County Courts in England who sit at Places more than Twenty Miles from the General Post Office, and the Commissioners of Bankrupt and the Assistant Barristers and Recorders in Ireland, and the Sheriffs of Counties in Scotland, shall be Commissioners for the Purpose of taking Evidence under the Third Part of this Act in Cases where any Company is wound up by the Courts of Chancery in England or Ireland, or by Court of Session in Scotland; and it shall be lawful for such Court to refer the whole or any Part of the Examination of any Witnesses under the Third Part of this Act to any such Commissioner, although such Commissioner is out of the Jurisdiction of the Court by which the Order or Decree for winding-up the Company was made; and every such Commissioner shall, in addition to any Power of summoning and examining Witnesses, and requiring the Production or Delivery of Documents, and certifying or punishing Defaults by Witnesses, which he might lawfully exercise as a District Commissioner of the Court of Bankruptcy, Judge of a County Court, Commissioner of Bankrupt, Assistant Barrister, or Recorder, or as a Sheriff of a County, have in the Matter so referred to him all the same Powers of summoning and examining Witnesses, and requiring the Production or Delivery of Documents, and punishing Defaults by Witnesses, and allowing Costs and Charges and Expenses to Witnesses, as the Court which made the Order for winding-up the Company has, and the Examination so taken shall be returned or reported to such last-mentioned Court in such Manner as it directs.

District Commissioners of Bankruptcy, and County Court Judges in England, and Commissioners of Bankrupt and Assistant Barristers in Ireland, and Sheriffs of Counties in Scotland, to be Commissioners for receiving Evidence.

Voluntary Winding-up of Company.

- C. A Company may be wound-up voluntarily,
- (1.) Whenever the Period, if any, fixed for the Duration of the Company by the Articles of Association expires, or whenever the Event, if any, occurs, upon the Occurrence of which it is provided by the Articles of Association that the Company is to be dissolved:
- (2.) Whenever the Company in General Meeting has passed a Special Resolution requiring the Company to be wound-up voluntarily.

Cases in which Company may be wound-up voluntarily.

Whenever a Company is wound-up voluntarily the Company shall, from the Date of the Commencement of such winding-up, cease to carry on its Business, except in so far as may be required for the beneficial winding-up thereof, but its Corporate State and all its Corporate Powers shall, notwithstanding any Provision to the contrary in its Articles of Association, continue until the Affairs of the Company are wound-up.

CLAUSE I.
Notice of
Resolution
to wind up
to be given
in Gazette.

CI. Notice of any Special Resolution to wind-up a Company voluntarily shall be given, as respects Companies registered in England in the London Gazette, as respects Companies registered in Scotland in the Edinburgh Gazette, and as respects Companies registered in Ireland in the Dublin Gazette.

5.

General Con-
sequences of
voluntary
winding-up.

CII. The following Consequences shall ensue upon the voluntary winding-up of a Company,

- (1.) The Property of the Company shall be applied in satisfaction of its Liabilities, and, subject thereto, shall, unless it be otherwise provided by the Articles of Association, be distributed amongst the Shareholders in proportion to their Shares: 10
- (2.) Liquidators shall be appointed for the Purpose of winding-up the Affairs of the Company and distributing the Property:
- (3.) The Company in General Meeting may appoint such Person or Persons as it thinks fit to be a Liquidator or Liquidators, 15 and may fix the Remuneration to be paid to them:
- (4.) If One Person only is appointed, all the Provisions herein contained in reference to several Liquidators shall apply to him:
- (5.) When several Liquidators are appointed, every Power hereby 20 given may be exercised by any Two of them:
- (6.) The Liquidators may at any Time after the passing of the Resolution for winding-up the Company, and before they have ascertained the Sufficiency of the Assets of the Company, or the Debts in respect of which the several Classes 25 of Contributories are liable, call on all or any of the Contributories to the Extent of their Liability to pay all or any Sums they deem necessary to satisfy the Debts of the Company and the Costs of winding it up, and they may in making a Call take into consideration the Probability that some of the Con- 30 tributories upon whom the same is made may partly or wholly fail to pay their respective Portion of the same:
- (7.) The Liquidators shall have all Powers herein-before vested in Official Liquidators, and may exercise the same without the Intervention of the Court: 35
- (8.) All Books, Papers, and Documents in the Hands of the Liquidators shall at all reasonable Times be open to the Inspection of the Shareholders:
- (9.) When the Creditors are satisfied, the Liquidators shall proceed to adjust the Rights of the Contributories amongst them- 40 selves, and for the Purposes of such Adjustment they may make Calls on all the Contributories to the Extent of their Liability for any Sums they may deem necessary, and they may in making a Call take into consideration the Probability

bility that some of the Contributories upon whom the same is made may partly or wholly fail to pay their respective Portion of the same :

5 (10.) As soon as the Affairs of the Company are fully wound-up, the Liquidators shall make up an Account showing the Manner of such winding-up, and the Disposal of the Property and Assets of the Company; and such Account, with the Vouchers thereof, shall be laid before such Person or Persons as may be appointed by the Company to inspect the same ;
10 and upon such Inspection being concluded the Liquidators shall proceed to call a General Meeting of the Shareholders for the Purpose of considering such Account ; but no such Meeting shall be deemed to be duly held unless One Month's previous Notice, specifying the Time, Place, and Object of
15 such Meeting, has been published, as respects Companies registered in England in the " London Gazette," and as respects Companies registered in Scotland in the " Edinburgh Gazette," and as respects Companies registered in Ireland in the " Dublin Gazette :"

20 (11.) Such General Meeting shall not enter upon any Business except the Consideration of the Account ; but the Meeting may proceed to the Consideration thereof, notwithstanding the Quorum required by any Regulation of the Company to be present at General Meetings is not present thereat ; and if,
25 on Consideration, the Meeting is of opinion that the Affairs of the Company have been fairly wound-up, they shall pass a Resolution to that Effect, and thereupon the Liquidators shall publish a Notice of such Resolution, as respects Companies registered in England in the " London Gazette," and
30 as respects Companies registered in Scotland in the " Edinburgh Gazette," and as respects Companies registered in Ireland in the " Dublin Gazette," and shall also make a Return to the Registrar of Joint Stock Companies of such Resolution, and on the Expiration of One Month from the Date of the Registration of such Return the Company shall be deemed to be
35 dissolved :

(12.) If within One Year after the passing of a Resolution for a winding-up the Affairs of the Company such Affairs are not wound-up, the Liquidators shall immediately thereafter make
40 up an Account showing the State of the Affairs and the Progress which has been made in winding-up down to that Date, and they shall add thereto a Report stating the Reason why the winding-up has not been completed, and a General Meeting shall be called to consider the same, and so on from Year to
45 Year until the winding-up of the Affairs of the Company is completed :

Expenses of winding-up Company.

All Costs, Charges, and Expenses properly incurred in the voluntary winding-up of a Company, including the Remuneration of the Liquidators, shall be payable out of the Assets of the Company in priority to all other Claims.

CLAUSE Q.
Voluntary winding-up not to prejudice Creditors.

CIII. The voluntary winding-up of a Company shall not prejudice the Right of any Creditor of such Company to institute Proceedings for the Purpose of having the same wound up by the Court.

PART IV.

Registration Office.

Constitution of Registration Office.

CIV. The Registration of Companies shall be conducted as follows; (that is to say,) 10

- (1.) The Board of Trade may from Time to Time appoint and remove such Registrars, Assistant Registrars, Clerks, and Servants as they may think necessary for the Registration of Companies under this Act :
- (2.) The Board of Trade may make such Regulations as they think fit with respect to the Duties to be performed by any such Registrars, Assistant Registrars, Clerks, and Servants as aforesaid : 15
- (3.) The Board of Trade may from Time to Time determine the Place or Places at which Offices for the Registration of Companies are to be established : Provided always, that there shall be at all Times maintained in each of the Three Parts of the United Kingdom at least One such Office, and that no Company shall be registered except at an Office within that Part of the United Kingdom in which by the Memorandum of Association the registered Office of the Company is declared to be established : 20 25
- (4.) The Board of Trade may from Time to Time direct a Seal or Seals to be prepared for the Authentication of any Documents required for or connected with the Registration of Companies : 30
- (5.) Every Person may inspect the Documents kept by the Registrar of Joint Stock Companies ; and there shall be paid for such Inspection such Fees as may be appointed by the Board of Trade, not exceeding One Shilling for each Inspection ; and any Person may require a Copy or Extract of any Document or any Part of any Document, to be certified by the Registrar ; and there shall be paid for such certified Copy or Extract such Fee as the Board of Trade may appoint, not exceeding Sixpence for each Folio of such Copy or Extract, or in Scotland for each Sheet of Two hundred Words ; and such certified Copy shall be *prima facie* Evidence of the Matters therein contained in all legal Proceedings whatever : 35 40

(6.) The

- (6.) The existing Registrar, Assistant Registrars, Clerks, and other Officers and Servants in the Office for the Registration of Joint Stock Companies, shall, during the Pleasure of the Board of Trade, hold the Offices, and receive the Salaries hitherto held and received by them, but they shall in the Execution of their Duties conform to any Regulations that may be issued by the Board of Trade :
- (7.) There shall be paid to any Registrar, Assistant Registrar, Clerk, or Servant that may hereafter be employed in the Registration of Joint Stock Companies such Salary as the Board of Trade may, with the Sanction of the Commissioners of the Treasury, direct :
- (8.) Whenever any Act is herein directed to be done to or by the Registrar of Joint Stock Companies, such Act shall, until the Board of Trade otherwise directs, be done in England to or by the existing Registrar of Joint Stock Companies or in his Absence by the Assistant Registrar, in Scotland to or by such Officer as the Board of Trade may appoint, and in Ireland to or by the existing Assistant Registrar of Joint Stock Companies for Ireland ; but in the event of the Board of Trade altering the Constitution of the existing Registry Office such Act shall be done to or by such Officer or Officers and at such Place or Places as the Board of Trade may appoint.

PART V.

25 REPEAL OF FORMER ACTS, AND TEMPORARY PROVISIONS.

Repeal.

- CV. There shall be repealed,—
- (1.) The said Act passed in the Eighth Year of the Reign of Her present Majesty, Chapter One hundred and ten.
- 30 (2.) An Act passed in the Eleventh Year of the Reign of Her present Majesty, Chapter Seventy-eight, intituled “ An Act “ to amend an Act for the Registration, Incorporation, and “ Regulation of Joint Stock Companies,”
- (3.) The Limited Liability Act, 1855 :
- 35 But such Repeal shall not take effect with respect to any Company completely registered under the said Act of the Eighth Year of Her present Majesty until such Company has obtained Registration anew under this Act, as herein-after mentioned.

Repeal of
7 & 8 Vict.
c. 110.,
10 & 11 Vict.
c. 78., and
18 & 19 Vict.
c. 133.

- CVI. The following Acts, that is to say,
- 40 (1.) An Act passed in the Eleventh Year of the Reign of Her present Majesty, Chapter Forty-five, and intituled “ An Act to “ amend the Acts for facilitating the winding up of the Affairs “ of Joint Stock Companies unable to meet their pecuniary En-
[152.] D 3 “ gagements,

Repeal of
Winding-up
Acts 11 Vict.
c. 45. and
12 & 13 Vict.
c. 108.

“ gagements, and also to facilitate the Dissolution and winding-up of Joint Stock Companies and other Partnerships ;”

- (2.) An Act passed in the Thirteenth Year of the Reign of Her present Majesty, Chapter One hundred and eight, and intituled An Act “ to amend the Joint Stock Companies Winding-up Act, 1848,” 5 shall not apply to Companies registered under this Act, nor to Companies registered under the said Act of the Eighth Year of the Reign of Her present Majesty, Chapter One hundred and ten, from and after the Date at which they have obtained Registration anew under this Act, as herein-after 10 mentioned.

Saving
Clause as to
Repeal.

CVII. No Repeal hereby enacted shall affect—

- (1.) Anything duly done under any Acts hereby repealed before such Repeal comes into operation ;
(2.) Any Right acquired or Liability incurred under any such 15 Acts before such Repeal comes into operation ;
(3.) Any Penalty, Forfeiture, or other Punishment incurred or to be incurred in respect of any Offence against any such Acts committed before such Repeal comes into operation ;
(4.) Any Proceeding to be taken in the Prosecution of any Order 20 for winding-up a Company made before such Repeal comes into operation.

Temporary Provisions.

Registration
under this
Act of
existing
Companies.

CVIII. Every Company completely registered under the said Act of the Eighth Year of the Reign of Her present Majesty, Chapter One 25 hundred and ten, shall on or before the Third Day of November One thousand eight hundred and fifty-six, and any other Company duly constituted by Law previously to the passing of this Act, and consisting of Seven or more Shareholders, may at any Time hereafter, register themselves anew as a Company under this Act, with or 30 without Limited Liability, subject to this Proviso, that no Company shall be registered anew as a Limited Company unless it has obtained a Certificate of Complete Registration under the “ Limited Liability Act, 1855,” or unless an Assent to its being so registered has been given by at least Three Fourths in Number and Value of such of its 35 Shareholders as may have been present, personally or by Proxy, in Cases where Proxies are allowed by the Regulations of the Company, at some General Meeting summoned for that Purpose.

Requisitions
for Regis-
tration
anew by
existing
Companies.

CIX. In order to obtain Registration anew there shall be delivered to the Registrar of Joint Stock Companies the following Documents ; 40 that is to say,

- (1.) In the Case of a Company completely registered under the said Act of the Eighth Year of Her present Majesty, Chapter One

One hundred and ten, if such Company is not intended to be registered as a Limited Company, a List showing the Names, Addresses, and Occupations of all Persons who on the Day of Registration anew are Holders of Shares in the Company, with the Addition of the Shares held by such Persons respectively, distinguishing each Share by its Number :

- (2.) If such Company as last aforesaid has obtained a Certificate of Complete Registration with Limited Liability under the Limited Liability Act, 1855, or if it has not obtained such a Certificate, but is intended to be registered as a Limited Company under the Provisions of this Act, the above List shall be accompanied with a Statement specifying the following Particulars :

The nominal Capital of the Company, and the Number of Shares into which it is divided ;

The Number of Shares taken and the Amount paid on each Share ;

The Name of the Company, with the Addition, if it has not obtained a Certificate of Complete Registration with Limited Liability, of the Word "Limited" as the last Word thereof :

- (3.) In the Case of a Company that has not been completely registered under the said Act of the Eighth Year of Her present Majesty, Chapter One hundred and ten, if it is not intended to be registered as a Limited Company, there shall be delivered to the Registrar of Joint Stock Companies such List of Shareholders as is herein-before mentioned, and also a Copy of any Act of Parliament, Royal Charter, Letters Patent, Deed of Settlement, or other Instrument constituting or regulating the Company :

- (4.) If any such Company as last aforesaid is intended to be registered as a Limited Company, the above List and Copy shall be accompanied by a Statement specifying the following Particulars ; that is to say,

The nominal Capital of the Company, and the Number of Shares into which it is divided ;

The Number of Shares taken, and the Amount paid on each Share ;

The Name of the Company, with the Addition of the Word "Limited" as the last Word thereof.

CX. The Correctness of the Statements contained in any Document delivered to the Registrar shall be verified by a Declaration of the Directors of the Company delivering the same, or any Two of them, or of any Two other principal Officers of the Company, made in pursuance of the Act passed in the Sixth Year of the Reign of His late Majesty King William the Fourth, Chapter Sixty-two; but

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CLAUSE K.
Authentica-
tion of
Statements
of Company.

no Fees shall be charged in respect of the Registration anew of any Company completely registered under the said Act of the Eighth Year of the Reign of Her present Majesty, Chapter One hundred and ten, in Cases where the Liability of the Shareholders is not intended to be limited, or where such Company has already obtained a Certificate of Complete Registration with Limited Liability. 5

CLAUSE L.
Grant of
Certificate
of Registra-
tion, and
Effect
thereof.

CXI. Upon Compliance with the foregoing Requisitions, the Registrar of Joint Stock Companies shall certify under his Hand that the Company so applying for Registration anew is incorporated as a Company under this Act, and in the Case of a Limited Company, 10 that it is limited, and thereupon all Provisions contained in any Deed of Settlement, Act of Parliament, Royal Charter, or Letters Patent, or other Instrument constituting or regulating the Company, shall be deemed to be Regulations of the Company within the Meaning of this Act; and all the Provisions of this Act shall apply to such 15 Company in the same Manner in all respects as if it had been originally incorporated under this Act; subject nevertheless to the Reservations herein-after contained with respect to the existing Rights of Creditors and other Persons; and subject to this Proviso, that, except in so far as is herein-after permitted, no Company constituted by Act 20 of Parliament, Royal Charter, or Letters Patent shall have Power, by special Resolution, or otherwise to alter any of the Provisions contained in such Act of Parliament, Charter, or Letters Patent.

CLAUSE M.
Power of
Company to
change
Name.

CXII. Any Company may, for the Purpose of obtaining Registration with Limited Liability, change its Name by adding thereto the 25 Word "Limited," or do any other Act that may be necessary.

CLAUSE N.
Certificate to
be Evidence
of Com-
pliance with
Act

CXIII. The Certificate of Incorporation given to any existing Company, in pursuance of this Act, shall be conclusive Evidence that all the Requisitions of this Act in respect of Registration anew have been complied with, and the Date of such Certificate shall be deemed to 30 be the Date at which the Company is incorporated under this Act.

Rights of
Creditors.

CXIV. The Registration anew of any existing Company under this Act shall not, nor shall any Act of the Company subsequent to such Registration, prejudice any Right which previously to such Registration has, or which would, if no such Registration had taken 35 place, have accrued to any Creditor or other Person against the Company in its Corporate Capacity, or against any Person then being or having been a Member of such Company, but every such Creditor or other Person shall be entitled to all such Remedies against the Company in its Corporate Capacity, and against every Person then being 40 or having been a Member of such Company, as he would have been entitled to in case such Registration anew had not taken place.

SCHEDULE.

FORM A.

Section VII.

Memorandum of Association of the "Eastern Steam Packet Company Limited."

1st. The Name of the Company is "The Eastern Steam Packet Company Limited."

2d. The registered Officer of the Company is to be established in England.

3d. The Objects for which the Company is established are, "the Conveyance of Passengers and Goods in Ships or Boats between such Places as the Company may from Time to Time determine, and the doing all such other Things as are incidental or conducive to the Attainment of the above Object."

4th. The Liability of the Shareholders is "Limited."

5th. The nominal Capital of the Company is Two hundred thousand Pounds, divided into One thousand Shares of Two hundred Pounds each.

WE, the several Persons whose Names and Addresses are subscribed, are desirous of being formed into a Company, in pursuance of this Memorandum of Association, and we respectively agree to take the Number of Shares in the Capital of the Company set opposite our respective Names.

Names and Addresses of Subscribers.			Number of Shares taken by each Subscriber.
" 1. John Jones of	in the County of	-	200
" 2. John Smith of	in the County of	-	25
" 3. Thomas Green of	in the County of	-	30
" 4. John Thompson of	in the County of	-	40
" 5. Caleb White of	in the County of	-	15
" 6. Andrew Brown of	in the County of	-	5
" 7. Cæsar White of	in the County of	-	10
Total Shares taken			325

Dated the 22d Day of November 1856.

Witness to the above Signatures,

A.B., No. 13, Hute Street, Clerkenwell, Middlesex.

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TABLE

Section IX.

TABLE B.

REGULATIONS FOR MANAGEMENT OF THE COMPANY.

SHARES.

- (1.) No Person shall be deemed to have accepted any Share in the Company unless he has testified his Acceptance thereof by Writing under his Hand, in such Form as the Company from Time to Time directs.
- (2.) The Company may from Time to Time make such Calls upon the Shareholders in respect of all Monies unpaid on their Shares as they think fit, provided that Twenty-one Days Notice at least is given of each Call, and each Shareholder shall be liable to pay the Amount of Calls so made to the Persons and at the Times and Places appointed by the Company.
- (3.) A Call shall be deemed to have been made at the Time when the Resolution authorizing such Call was passed.
- (4.) If before or on the Day appointed for Payment any Shareholder does not pay the Amount of any Call to which he is liable, then such Shareholder shall be liable to pay Interest for the same at the Rate of Five Pounds per Cent. from the Day appointed for the Payment thereof to the Time of the actual Payment.
- (5.) The Company may, if they think fit, receive from any of the Shareholders willing to advance the same all or any Part of the Monies due upon their respective Shares beyond the Sums actually called for; and upon the Monies so paid in advance, or so much thereof as from Time to Time exceeds the Amount of the Calls then made upon the Shares in respect of which such Advance has been made, the Company may pay Interest at such Rate as the Shareholder paying such Sum in advance and the Company agree upon.
- (6.) If several Persons are registered as joint Holders of any Share, any One of such Persons may give effectual Receipts for any Dividend payable in respect of such Share.
- (7.) The Company may decline to register any Transfer of Shares made by a Shareholder who is indebted to them.
- (8.) Every Shareholder shall, on Payment of such Sum, not exceeding One Shilling, as the Company may prescribe, be entitled to a Certificate, under the Common Seal of the Company, specifying the Share or Shares held by him, and the Amount paid up thereon.

(9.) If

- (9.) If such Certificate is worn out or lost, it may be renewed, on Payment of such Sum, not exceeding One Shilling, as the Company may prescribe.
- (9a.) The Transfer Books shall be closed during the Fourteen Days immediately preceding the ordinary General Meeting in each Year.

TRANSMISSION OF SHARES.

- (10.) The Executors or Administrators of a deceased Shareholder shall be the only Persons recognized by the Company as having any Title to his Share.
- (11.) Any Person becoming entitled to a Share in consequence of the Death, Bankruptcy, or Insolvency of any Shareholder, or in consequence of the Marriage of any Female Shareholder, or in any way other than by Transfer, may be registered as a Shareholder upon such Evidence being produced as may from Time to Time be required by the Company.
- (12.) Any Person who has become entitled to a transmitted Share may, instead of being registered himself, elect to have some Person to be named by him registered as a Holder of such Share.
- (13.) The Person so becoming entitled shall testify such Election by executing to his Nominee a Deed of Transfer of such Share.
- (14.) The Deed of Transfer shall be presented to the Company accompanied with such Evidence as they may require to prove the Title of the Transferor, and thereupon the Company shall register the Transferree as a Shareholder.

FORFEITURE OF SHARES.

- (15.) If any Shareholder fails to pay any Call due on the appointed Day, the Company may, at any Time thereafter, during such Time as the Call remains unpaid, serve a Notice on him, requiring him to pay such Call, together with any Interest that may have accrued by reason of such Nonpayment.
- (16.) The Notice shall name a further Day, and a Place or Places, being a Place or Places at which Calls of the Company are usually made payable, on and at which such Call is to be paid: It shall also state that in the event of Nonpayment at the Time and Place appointed the Shares in respect of which such Call was made will be liable to be forfeited.
- (17.) If the Requisitions of any such Notice as aforesaid are not complied with, any Share in respect of which such Notice has
- [152.] E 2 been

been given may be forfeited by a Resolution of the Directors to that effect.

- (18.) Any Shares so forfeited shall be deemed to be the Property of the Company, and may be disposed of in such Manner as the Company think fit.
- (19.) Any Shareholder whose Shares have been forfeited shall, notwithstanding, be liable to pay to the Company all Calls owing upon such Shares at the Time of the Forfeiture.

INCREASE IN CAPITAL.

- (20.) The Company may, with the Sanction of the Company previously given in General Meeting, increase its Capital.
- (21.) Any Capital raised by the Creation of new Shares shall be considered as Part of the original Capital, and shall be subject to the same Provisions in all respects, whether with reference to the Payment of Calls, or the Forfeiture of Shares on Non-payment of Calls, or otherwise, as if it had been Part of the original Capital.

GENERAL MEETINGS.

- (22.) The First General Meeting shall be held at such Time, not being more than Twelve Months after the Incorporation of the Company, and at such Place, as the Directors may determine.
- (23.) Subsequent General Meetings shall be held at such Time and Place as may be prescribed by the Company in General Meeting; and if no other Time or Place is prescribed, a General Meeting shall be held on the First Monday in February in every Year, at such Place as may be determined by the Directors.
- (24.) The above-mentioned General Meetings shall be called Ordinary Meetings; all other General Meetings shall be called Extraordinary.
- (25.) The Directors may whenever they think fit, and they shall upon a Requisition made in Writing by any Number of Shareholders holding in the aggregate not less than One Fifth Part of the Shares of the Company, convene an Extraordinary General Meeting.
- (26.) Any Requisition so made by the Shareholders shall express the Object of the Meeting proposed to be called, and shall be left at the principal Office of the Company.
- (27.) Upon the Receipt of such Requisition the Directors shall forthwith proceed to convene a General Meeting: If they do not proceed to convene the same within Twenty-one Days from the Date of the Requisition, the Requisitionists, or any other

other Shareholders holding the required Number of Shares, may themselves convene a Meeting.

- (28.) Seven Days Notice at the least, specifying the Place, the Time, the Hour of Meeting, and the Purpose for which any General Meeting is to be held, shall be given by Advertisement, or in such other Manner, if any, as may be prescribed by the Company.
- (29.) Any Shareholder may, on giving not less than Seven Days previous Notice, submit any Resolution to a Meeting beyond the Matters contained in the Notice given of such Meeting.
- (30.) The Notice required of a Shareholder shall be given by leaving a Copy of the Resolution at the registered Office of the Company.
- (31.) No Business shall be transacted at any Meeting except the Declaration of a Dividend unless at least One Tenth in Number of the Shareholders are present at the Commencement and Close of such Business; and no Business shall be transacted at any Meeting of which previous Notice has not been given in manner herein-before mentioned.
- (32.) If within One Hour from the Time appointed for the Meeting the required Number of Shareholders is not present, the Meeting, if convened upon the Requisition of the Shareholders, shall be dissolved: In any other Case it shall stand adjourned to the following Day, at the same Time and Place; and if at such adjourned Meeting the required Number of Shareholders is not present, it shall be adjourned sine die.
- (33.) The Chairman (if any) of the Board of Directors shall preside as Chairman at every Meeting of the Company.
- (34.) If there is no such Chairman, or if at any Meeting he is not present at the Time of holding the same, the Shareholders present shall choose some One of their Number to be Chairman of such Meeting.
- (35.) The Chairman may, with the Consent of the Meeting, adjourn any Meeting from Time to Time and from Place to Place, but no Business shall be transacted at any adjourned Meeting other than the Business left unfinished at the Meeting from which the Adjournment took place.
- (36.) At any General Meeting, unless a Poll is demanded by at least Five Shareholders, a Declaration by the Chairman that a Resolution has been carried, and an Entry to that Effect in the Book of Proceedings of the Company, shall be sufficient Evidence of the Fact, without Proof of the Number or Proportion of the Votes recorded in favour of or against such Resolution.
- (37.) If a Poll is demanded in Manner aforesaid the same shall be taken in such Manner as the Chairman directs, and the Result

of such Poll shall be deemed to be the Resolution of the Company in General Meeting.

VOTES OF SHAREHOLDERS.

- (38.) Every Shareholder shall have One Vote for every Share up to Ten; he shall have an additional Vote for every Five Shares beyond the first Ten Shares up to One hundred, and an additional Vote for every Ten Shares held by him beyond the first Hundred Shares.
- (39.) If any Shareholder is a Lunatic or Idiot he may vote by his Committee, Curator bonis, or other legal Curator; and if any Shareholder is a Minor he may vote by his Guardian, Tutor, or Curator, or any One of his Guardians, Tutors, or Curators, if more than One.
- (40.) If several Persons are jointly entitled to a Share or Shares the Person whose Name stands first in the Register of Shareholders as One of the Holders of such Share or Shares, and no other, shall be entitled to vote in respect of the same.
- (41.) No Shareholder shall be entitled to vote at any Meeting unless all Calls due from him have been paid, nor until he shall have been possessed of his Shares Three Calendar Months, unless such Shares shall have been acquired or shall have come by Bequest, or by Marriage, or by Succession to an Intestate's Estate, or by the Custom of the City of London, or by any Deed of Settlement after the Death of any Person who shall have been entitled for Life to the Dividends of such Shares.
- (42.) Votes may be given either personally or by Proxies: A Proxy shall be appointed in Writing under the Hand of the Appointor, or if such Appointor is a Corporation, under their Common Seal.
- (43.) No Person shall be appointed a Proxy who is not a Shareholder, and the Instrument or Mandate appointing him shall be transmitted to the Secretary at the registered Office of the Company Forty-eight Hours before the Time of holding the Meeting at which he proposes to vote.

DIRECTORS.

- (44.) The Term "Directors" shall include any Managers or other Superintendents of the Company, and if One Director, Manager, or Superintendent only is appointed, all Provisions herein contained with respect to Directors shall apply to him.
- (45.) The Number of the Directors, and the Names of the first Directors, shall be determined by the Subscribers of the Memorandum of Association.

(46.) Until

- (46.) Until Directors are appointed, the Subscribers of the Memorandum of Association shall for all the Purposes of this Act be deemed to be Directors.

POWERS OF DIRECTORS.

- (47.) The Business of the Company shall be managed by the Directors, who may exercise all such Powers of the Company as are not by this Act or by the Articles of Association declared to be exercisable by the Company in General Meeting, subject nevertheless to the Regulations of the Articles of Association, to the Provisions of this Act, and to such Regulations, being not inconsistent with the aforesaid Regulations or Provisions, as may be prescribed by the Company in General Meeting; but no Regulation made by the Company in General Meeting shall invalidate any prior Act of the Directors which would have been valid if such Regulation had not been made.

DISQUALIFICATION OF DIRECTORS.

- (48.) The Office of Director shall be vacated,—
- If he holds any other Office or Place of Profit under the Company ;
 - If he becomes bankrupt or insolvent ;
 - If he is concerned in or participates in the Profits of any Contract with the Company ;
 - If he participates in the Profits of any Work done for the Company :

But the above Rules shall be subject to the following Exceptions: That no Director shall vacate his Office by reason of his being a Shareholder in any incorporated Company which has entered into Contracts with or done any Work for the Company of which he is Director; nevertheless he shall not vote in respect of such Contract or Work; and if he does so vote his Vote shall not be counted, and he shall incur a Penalty not exceeding Twenty Pounds.

ROTATION OF DIRECTORS.

- (49.) At the First Ordinary Meeting after the Incorporation of the Company the whole of the Directors shall retire from Office; and at the First Ordinary Meeting in every subsequent Year One Third of the Directors for the Time being, or if their Number is not a Multiple of Three, then the Number nearest to One Third, shall retire from Office.
- (50.) The One Third or other nearest Number to retire during the First and Second Years ensuing the Incorporation of the Com-
- [152.] E 4 pany

pany shall, unless the Directors agree among themselves, be determined by Ballot: In every subsequent Year the One Third or other nearest Number who have been longest in Office shall retire.

- (51.) A retiring Director shall be re-eligible.
- (52.) The Company at the General Meeting at which any Directors retire in manner aforesaid shall fill up the vacated Offices by electing a like Number of fit Persons.
- (53.) If at any Meeting at which an Election of Directors ought to take place no such Election is made, the Meeting shall stand adjourned till the next Day, at the same Time and Place; and if at such adjourned Meeting no Election takes place, the former Directors shall continue to act until new Directors are appointed at the First Ordinary Meeting of the following Year.
- (54.) The Company may from Time to Time, in General Meeting, increase or reduce the Number of Directors, and may also determine in what Rotation such increased or reduced Number is to go out of Office.
- (55.) Any casual Vacancy occurring in the Board of Directors may be filled up by the Directors, but any Person so chosen shall retain his Office so long only as the vacating Director would have retained the same if no Vacancy had occurred.

PROCEEDINGS OF DIRECTORS.

- (56.) The Directors may meet together for the Despatch of Business, adjourn, and otherwise regulate their Meetings as they think fit, and determine the Quorum necessary for the Transaction of Business: Questions arising at any Meeting shall be decided by a Majority of Votes: In case of an Equality of Votes the Chairman, in addition to his original Vote, shall have a Casting Vote: A Director may at any Time summon a Meeting of the Directors.
- (57.) The Directors may elect a Chairman of their Meetings, and determine the Period for which he is to hold Office; but if no such Chairman is elected, or if at any Meeting the Chairman is not present at the Time appointed for holding the same, the Directors present shall choose some One of their Number to be Chairman of such Meeting.
- (58.) The Directors may delegate any of their Powers to Committees consisting of such Member or Members of their Body as they think fit: Any Committee so formed shall, in the Exercise of the Powers so delegated, conform to any Regulations that may be imposed on them by the Directors.

(59.) A

- (59.) A Committee may elect a Chairman of their Meetings: If no such Chairman is elected, or if he is not present at the Time appointed for holding the same, the Members present shall choose One of their Number to be Chairman of such Meeting.
- (60.) A Committee may meet and adjourn as they think proper: Questions at any Meeting shall be determined by a Majority of Votes of the Members present; and in case of an equal Division of Votes the Chairman shall have a Casting Vote.
- (61.) All Acts done by any Meeting of the Directors, or of a Committee of Directors, or by any Person acting as a Director, shall, notwithstanding that it be afterwards discovered that there was some Defect in the Appointment of any such Directors or Persons acting as aforesaid, or that they or any of them were disqualified, be as valid as if every such Person had been duly appointed and was qualified to be a Director.
- (62.) The Directors shall cause Minutes to be made in Books provided for the Purpose,—
 - (1.) Of all Appointments of Officers made by the Directors;
 - (2.) Of the Names of the Directors present at each Meeting of Directors and Committees of Directors;
 - (3.) Of all Orders made by the Directors and Committees of Directors; and,
 - (4.) Of all Resolutions and Proceedings of Meetings of the Company, and of the Directors and Committees of Directors.

And any such Minute as aforesaid, if signed by any Person purporting to be the Chairman of any Meeting of Directors, or Committee of Directors, shall be receivable in Evidence without any further Proof.

- * (63.) The Company, in General Meeting, may, by a special Resolution, remove any Director before the Expiration of his Period of Office, and appoint another qualified Person in his Stead: The Person so appointed shall hold Office during such Time only as the Director in whose Place he is appointed would have held the same if he had not been removed.

DIVIDENDS.

- (64.) The Directors may, with the Sanction of the Company in General Meeting, declare a Dividend to be paid to the Shareholders in proportion to their Shares.
- (65.) No Dividend shall be payable except out of the Profits arising from the Business of the Company:
- (66.) The Directors may, before recommending any Dividend, set aside out of the Profits of the Company such Sum as they

think proper as a reserved Fund to meet Contingencies, or for equalizing Dividends, or for repairing, or maintaining, the Works connected with the Business of the Company, or any Part thereof; and the Directors may invest the Sum so set apart as a reserved Fund upon such Securities as they, with the Sanction of the Company, may select.

- (67.) The Directors may deduct from the Dividends payable to any Shareholder all such Sums of Money as may be due from him to the Company on account of Calls or otherwise.
- (68.) Notice of any Dividend that may have been declared shall be given to each Shareholder, or sent by Post or otherwise to his registered Place of Abode, and all Dividends unclaimed for Three Years, after having been declared, may be forfeited by the Directors for the Benefit of the Company.
- (69.) No Dividend shall bear Interest as against the Company.

ACCOUNTS.

- (70.) The Directors shall cause true Accounts to be kept,—

Of the Stock in Trade of the Company ;
Of the Sums of Money received and expended by the Company, and the Matter in respect of which such Receipt and Expenditure takes place ; and,
Of the Credits and Liabilities of the Company :

Such Accounts shall be kept, upon the Principle of Double Entry, in a Cash Book, Journal, and Ledger : The Books of Account shall be kept at the principal Office of the Company, and, subject to any reasonable Restrictions as to the Time and Manner of inspecting the same that may be imposed by the Company in General Meeting, shall be open to the Inspection of the Shareholders during the Hours of Business :

- (71.) Once at the least in every Year the Directors shall lay before the Company in General Meeting a Statement of the Income and Expenditure for the past Year, made up to a Date not more than Three Months before such Meeting.
- (72.) The Statement so made shall show, arranged under the most convenient Heads, the Amount of gross Income, distinguishing the several Sources from which it has been derived, and the Amount of gross Expenditure, distinguishing the Expense of the Establishment, Salaries, and other like Matters : Every Item of Expenditure fairly chargeable against the Year's Income shall be brought into Account, so that a just Balance of Profit and Loss may be laid before the Meeting ; and in Cases where any Item of Expenditure which may in Fairness be distributed over several Years has been incurred in any One Year the whole Amount of such Item shall be stated, with the
the

the Addition of the Reasons why only a Portion of such Expenditure is charged against the Income of the Year.

- (72a.) A Balance Sheet shall be made out in every Year, and laid before the General Meeting of the Company, and such Balance Sheet shall contain a Summary of the Property and Liabilities of the Company arranged under the Heads appearing in the Form annexed to this Table, or as near thereto as Circumstances admit.
- (73.) A printed Copy of such Balance Sheet shall, Seven Days previously to such Meeting, be delivered at or sent by Post to the registered Address of every Shareholder.

AUDIT.

- (74.) The Accounts of the Company shall be examined and the Correctness of the Balance Sheet ascertained by One or more Auditor or Auditors to be elected by the Company in General Meeting.
- (75.) If not more than One Auditor is appointed, all the Provisions herein contained relating to Auditors shall apply to him.
- (76.) The Auditors need not be Shareholders in the Company : No Person is eligible as an Auditor who is interested otherwise than as a Shareholder in any Transaction of the Company ; and no Director or other Officer of the Company is eligible during his Continuance in Office.
- (77.) The Election of Auditors shall be made by the Company at their Ordinary Meeting, or, if there are more than One, at their First Ordinary Meeting in each Year.
- (78.) The Remuneration of the Auditors shall be fixed by the Company at the Time of their Election.
- (79.) Any Auditor shall be re-eligible on his quitting Office.
- (80.) If any casual Vacancy occurs in the Office of Auditor, the Directors shall forthwith call an Extraordinary General Meeting for the Purpose of supplying the same.
- (81.) If no Election of Auditors is made in manner aforesaid, the Board of Trade may, on the Application of One Fifth in Number of the Shareholders of the Company, appoint an Auditor for the current Year, and fix the Remuneration to be paid to him by the Company for his Services.
- (82.) Every Auditor shall be supplied with a Copy of the Balance Sheet, and it shall be his Duty to examine the same, with the Accounts and Vouchers relating thereto.
- (83.) Every Auditor shall have a List delivered to him of all Books kept by the Company, and he shall at all reasonable Times have
- [152.] F 2 Access

Access to the Books and Accounts of the Company : He may, at the Expense of the Company, employ Accountants or other Persons to assist him in investigating such Accounts, and he may in relation to such Accounts examine the Directors or any other Officer of the Company.

- (84.) The Auditors shall make a Report to the Shareholders upon the Balance Sheet and Accounts, and in every such Report they shall state whether, in their Opinion, the Balance Sheet is a full and fair Balance Sheet, containing the Particulars required by this Act, and properly drawn up so as to exhibit a true and correct View of the State of the Company's Affairs, and in case they have called for Explanations or Information from the Directors, whether such Explanations or Information have been given by the Directors, and whether they have been satisfactory ; and such Report shall be read, together with the Report of the Directors, at the Ordinary Meeting.

NOTICES.

- (85.) Notices requiring to be served by the Company upon the Shareholders may be served either personally, or by leaving the same or sending them through the Post in a Letter addressed to the Shareholders at their registered Places of Abode.
- (86.) All Notices directed to be given to the Shareholders shall, with respect to any Share to which Persons are jointly entitled, be given to whichever of the said Persons is named first in the Register of Shareholders ; and Notice so given shall be sufficient Notice to all the Proprietors of such Share.
- (87.) All Notices required by this Act to be given by Advertisement shall be advertised in a Newspaper circulating in the County in which the registered Office of the Company is situate.
-

FORM of BALANCE SHEET referred to in TABLE B.

Dr. BALANCE SHEET of the Co. made up to 18 . Cr.

CAPITAL AND LIABILITIES.		PROPERTY AND ASSETS.	
I. CAPITAL	£ s. d.	III. PROPERTY held by the Company	£ s. d.
1. Showing: The total Amount received from the Shareholders; showing also: (a.) The Number of Shares (b.) The Amount paid per Share (c.) If any Arrears of Calls, the Nature of the Arrear, and the Names of the Defaulters. Any Arrears due from any Director or Officer of the Company to be separately stated. (d.) The Particulars of any forfeited Shares.	£ s. d.	4. Showing: Immovable Property, distinguishing (a.) Freehold Land (b.) Buildings (c.) Leasehold "	£ s. d.
II. DEBTS AND LIABILITIES of the Company	£ s. d.	5. Showing: Movable Property, distinguishing (d.) Stock in Trade (e.) Plant The Cost to be stated with Deductions for Deterioration in Value as charged to the Reserve Fund or Profit and Loss.	£ s. d.
2. Showing: The Amount of Loans on Mortgage or Debenture Bonds.		6. Showing: Debts considered good for which the Company hold Bills or other Securities.	
3. The Amount of Debts owing by the Company, distinguishing— (a.) Debts for which Acceptances have been given. (b.) Debts to Tradesmen for Supplies of Stock in Trade or other Articles. (c.) Debts for Law Expenses. (d.) Debts for Interest on Debentures or other Loans. (e.) Unclaimed Dividends. (f.) Debts not enumerated above.		7. Debts considered good for which the Company hold no Security. 8. Debts considered doubtful and bad	
VI. RESERVE FUND		Any Debt due from a Director or other Officer of the Company to be separately stated.	
7. Showing: The Amount set aside from Profits to meet Contingencies.		9. Showing: The Nature of Investment and Rate of Interest.	
VII. PROFIT AND LOSS		10. The Amount of Cash, where lodged, and if bearing Interest.	
CONTINGENT LIABILITIES			
Claims against the Company not acknowledged as Debts. Monies for which the Company is contingently liable.			

FORM C.

Section X. Memorandum of Association of the "Patent Stereotype Company Limited," with Articles of Association annexed.

Memorandum of Association.

1st. The Name of the Company is "The Patent Stereotype Company."

2d. The registered Office of the Company is to be established in Ireland.

3d. The Objects for which the Company is established are "the working of a Patent Method of founding and casting Stereotype Plates, of which Method John Smith of is the sole Patentee."

4th. The Liability of the Shareholders is "Limited."

5th. The Capital of the Company is Two Thousand Pounds, divided into Twenty Shares of One hundred Pounds each.

WE, the several Persons whose Names are subscribed, are desirous of being formed into a Company, in pursuance of this Memorandum of Association, and we respectively agree to take the Number of Shares in the Capital of the Company set opposite our respective Names.

Names and Addresses of Subscribers.			Number of Shares taken by Subscribers.
" 1. John Jones, of	in the County of	-	1
" 2. John Smith of	in the County of	-	5
" 3. Thomas Green of	in the County of	-	2
" 4. John Thompson of	in the County of	-	2
" 5. Caleb White of	in the County of	-	3
" 6. Andrew Brown of	in the County of	-	4
" 7. Abel Brown of	in the County of	-	1
Total Shares taken			18

Witness to the above Signatures,
A.B., No. 20, Bond Street, Middlesex.

Articles of Association of the Patent Stereotype Company Limited.

" Whereas John Smith, in the annexed Memorandum of Association named, has, by a Deed bearing even Date with these Articles vested the Patent in the said Memorandum mentioned in the Company, and has agreed to devote all his Skill and Labour to the exclusive Service of the Company.

" It

“ It is agreed as follows :—

“ 1st. The said John Smith is to receive Five Shares in the Company as his Remuneration for the Transfer of his Patent Right. Such Shares are to be considered as paid-up Shares, and no Call is to be made in respect thereof. In addition, he is to receive a Salary of One hundred Pounds per Annum so long as he continues in the Service of the Company.

“ 2d. No Shareholder shall transfer his Shares without the Consent of the Directors expressed in Writing.

“ 3d. No Alterations shall be made in any of the Regulations contained herein or in the Memorandum of Association, but Alterations may be made in the Table B. of the Schedule to the ‘ Joint Stock Companies Act, 1856,’ in manner in such Act mentioned.

“ 4th. If any Shareholder feels aggrieved with the Refusal of the Directors to allow him to transfer his Shares, the Matter shall be settled by Arbitration.

“ 5th. Calls on the Shares of the Company not considered as paid up Shares shall be made at such Time as the Directors think fit ; but no Call shall exceed Ten Pounds per Share.

“ 6th. The Company shall not be obliged to register the Transferree under the Regulation numbered Twelve in the said Table unless he is approved by the Directors, but in the event of their disapproving the Matter may be decided by Arbitration.

“ 7th. The Regulations of Table B. as to General Meetings numbered 22, 23, and 25 shall not apply.

“ 8th. The First General Meeting of the Company shall be held on the First of July next, and subsequent General Meetings shall be held on the First of July on every succeeding Year, or if that is a Sunday on the succeeding Monday.

“ 9th. An Extraordinary General Meeting may be summoned at any Time by any Two Shareholders of the Company.

“ 10th. All Matters in question between the Shareholders shall be decided by an Arbitrator appointed by the Manchester Chamber of Commerce.

“ 11th. The Regulation of Table B. as to Votes of Shareholders, numbered Thirty-eight, shall not apply, and every Shareholder shall have One Vote in respect of every Share that he holds.

“ The several Persons herein-after named, Subscribers to the Memorandum of Association, shall be the First Directors of the Company ; that is to say, John Jones, Thomas Green, John Thompson, Caleb White, Andrew Brown, and Abel Brown.

Names and Addresses of Subscribers.

- " 1. John Jones of in the County of
 " 2. John Smith of in the County of
 " 3. Thomas Green of in the County of
 " 4. John Thomson of in the County of
 " 5. Caleb White of in the County of
 " 6. Andrew Brown of in the County of
 " 7. Abel Brown of in the County of

Witness to the above Signatures,

A.B.,

No. 20, Bond Street, Middlesex.

Section XII.

TABLE D.

TABLE OF FEES.

For Registration of a Company whose nominal Capital does not exceed 1,000 <i>l</i> .	£	s.	d.
- - - - -	5	0	0
For every 1,000 <i>l</i> . of nominal Capital, or Part of 1,000 <i>l</i> ., after the first 1,000 <i>l</i> ., and up to 100,000 <i>l</i> ., an additional Fee of - - - - -	0	5	0
For every 1,000 <i>l</i> . or Part of 1,000 <i>l</i> . after the First 100,000 <i>l</i> ., an additional Fee of - - - - -	0	1	0
For Registration of any Increase in the Capital of a Company for every 1,000 <i>l</i> . or Part of 1,000 <i>l</i> ., up to 100,000 <i>l</i> . in the whole - - - - -	0	5	0
For every 1,000 <i>l</i> . or Part of 1,000 <i>l</i> . beyond the First 100,000 <i>l</i> ., an additional Fee of - - - - -	0	1	0
For Registration anew of any existing Company, except such Companies as are by this Act exempted from Payment of Fees in respect of Registration anew, the same Fee as is charged for registering a new Company.			
For registering any Document hereby required or authorized to be registered, other than the Memorandum of Association - - - - -	0	5	0
For making a Record of any Fact hereby authorized or required to be recorded by the Registrar of Companies, a Fee of - - - - -	0	5	0

FORM

Section
XIX.

FORM F.

Form of Transfer of Shares.(a) These
Words will
be omitted
if no Consi-
deration is
paid.

I of (a) in consideration of
the Sum of paid to me by
of do hereby transfer to the said
Share [*or* Shares], numbered in "The
Company" standing in my Name in the
Books of the Company, to hold unto the said
his Executors, Administrators, and Assigns, [*or* Successors and
Assigns,] subject to the several Conditions on which I held the same
at the Time of the Execution hereof; and I the said
do hereby agree to take the said Share [*or* Shares] subject
to the same Conditions. As witness our Hands, the
Day of

Section.
XLII.

FORM G.

For England and Ireland.

Indenture of Mortgage made between the "London Gas Company Limited" of the one Part, and "John Smith" of the other Part.

Whereas the said "John Smith" has advanced to the said Company the Sum of One thousand Pounds, on condition that the Company will repay the same to him on the First Day of January next, with Interest thereon in the meantime at the Rate of Five Pounds per Centum; and in the event of their not repaying the same on the said First of January will, so long as the same remains unpaid, pay Interest thereon at the Rate of Five Pounds per Centum by equal half-yearly Payments on the First Day of July and the First Day of January in every Year.

Now it is hereby witnessed, that for securing the said Advance and Interest the Company hereby grant to the said "John Smith" and his Heirs all the Lands described in the Schedule hereto, with all their actual and reputed Appurtenances; and it is hereby declared, that if the Company fails in paying the whole of the Principal and Interest Monies hereby secured on the said First of January the said "John Smith," or any Person for the Time entitled to such Monies, may, at any Time thereafter, upon giving to the Company Three Months Notice, sell the said mortgaged Lands, and reimburse himself out of the Monies arising from the Sale all Sums due on this Security, and all Expenses incurred by him in respect of such Sale, rendering the Surplus, if any, to the Company or their Assigns. The Condition as to Notice shall apply only between the Parties to this Indenture, and shall not affect a Purchaser, a Sale to whom shall be valid notwithstanding such Notice may not have been given.

In witness, &c.

FORM H.

Section
XLIII*For Scotland.*

Bond and Disposition in Security by the "London Gas Company Limited" to "John Smith."

Whereas the said "John Smith" has advanced to the said Company the Sum of One thousand Pounds, on condition that the Company will repay the same to him on the First Day of January next, with Interest thereon in the meantime at the Rate of Five Pounds per Centum; and in the event of their not repaying the same on the said First of January will, so long as the same remains unpaid, pay Interest thereon at the Rate of Five Pounds per Centum by equal half-yearly Payments on the First Day of July and the First Day of January in every Year.

Therefore, for securing the said Advance and Interest, the said Company hereby disposes to the said "John Smith," and his Heirs and Assignees whomsoever, all and whole (describe the Lands), and it is hereby declared that if the Company fails in paying the whole of the Principal and Interest Monies hereby secured on the said First of January the said "John Smith," or any Person for the Time entitled to such Monies, may, at any Time thereafter, upon giving to the Company Three Months Notice, sell the said Lands, and reimburse himself out of the Monies arising from the Sale all Sums due on this Security, and all Expenses incurred by him in respect of such Sale, rendering the Surplus, if any, to the Company or their Assigns, the Condition as to Notice shall apply only between the Parties to this Indenture, and shall not affect a Purchaser, a Sale to whom shall be valid notwithstanding such Notice may not have been given.

In witness whereof.

(To be tested and signed in common Form.)

Joint Stock Companies.

A

B I L L

[AS AMENDED IN COMMITTEE, ON RE-COMMITMENT, AND
ON SECOND RE-COMMITMENT]

For the Incorporation and Regulation of Joint
Stock Companies and other Associations.

(Prepared and brought in by
Mr. FitzRoy, Mr. Lowe, and Viscount Palmerston.)

Ordered, by The House of Commons, to be Printed,
26 May 1856.

[Bill 152.]

Under 8 oz.

LORDS AMENDMENTS

TO THE

JOINT STOCK COMPANIES BILL.

[Note.—*The Page and Line refer to the Bill as first printed by the Lords.*]

Page 2.

Line 9. Leave out (“joining”) and insert (“the Joinder”),
and in the same Line after (“Suit”) insert (“of”)

Page 3.

Line 23. Leave out from (“registered”) to the End of the
Clause.

Page 4.

Line 2. After (“England”) insert (“and Ireland”)

Line 4. Leave out (“registered by”) and insert (“delivered
“to”), and in the same Line after (“Companies”) insert
 (“who shall retain and register the same”)

Page 5.

Line 9. After (“Occupations”) insert (“if any”)

Line 36. After (“admit”) insert (“such List and Summary
“shall be completed within Seven Days after such Four-
“teenth Day as is mentioned in this Section, and a Copy
“thereof, authenticated by the Seal of the Company, shall
“forthwith be forwarded to the Registrar, and any Person
“may inspect and take Copies of the same, subject to the
“Regulations under which a Person is herein-after declared
“to be entitled to inspect and take Copies of any Docu-
“ments kept by the Registrar”)

Line 38. After (“Shareholders”) insert (“or in sending a
“Copy of such List and Summary as aforesaid to the
“Registrar”)

Page 6.

Line 26. Leave out the second (“and”) and insert (“or”)

Line 31. Leave out (“of”) and insert (“not exceeding”)

[Bill 222.]

A

Page

Page 7.

- Line 26. Leave out ("they") and insert ("it")
- Lines 40 and 41. Leave out ("by the said Company")
- Lines 41 and 42. Leave out ("Bills of Parcels, Invoices"), and in Line 43 after ("all") insert ("Bills of Parcels, Invoices")

Page 8.

- Line 23. Leave out ("repeal or"), and in the same Line after ("of") insert ("or in addition to")
- Line 24. Leave out ("including the Regulations")
- Line 25. After the first ("the") insert ("Articles of Association or the")
- Line 39. Leave out ("aforesaid") and insert ("is mentioned in this Section")
- Line 42. After ("favour") insert ("of")

Page 9.

- Lines 13 and 14. Leave out ("Notice of any Increase in the nominal Capital of a Company") and insert ("The Company, if authorized so to do by its Regulations, may increase its nominal Capital in manner directed by such Regulations, but Notice of any Increase so made")
- Line 27. Leave out ("I.") and insert ("G."), and in the same Line after ("hereto") insert ("or to the like Effect")
- Line 35. Leave out ("joining") and insert ("the Joinder"), and in the same Line after ("Suit") insert ("of")

Page 10.

- At the End of Clause 41 insert ("and all Contracts made according to the Provisions herein contained shall be effectual in Law, and shall be binding upon the Company and their Successors, and all other Parties thereto, their Heirs, Executors, or Administrators, as the Case may be")
- Line 24. Leave out ("Execution of")

Page 11.

- Line 9. Leave out ("G.") and insert ("H.")
- Line 28. Leave out ("H.") and insert ("I.")
- Line 32. Leave out ("and") and insert ("with Sasine thereon")

Page 13.

- Line 8. Leave out ("direct") and insert ("directs")
- Line 19. After ("may") insert ("except in Cases where a particular Mode of Service is directed")
- Line 27. After ("Office") insert ("at such Time as aforesaid")

Page

Page 14.

Line 4. Leave out (" which ")

Line 5. Leave out (" is "), and in the same Line leave out (" a

" Felony or Misdemeanor ") and insert (" Felonies or Mis-

" demeanors ")

Line 38. Leave out (" anew ")

Line 39. After (" mentioned ") insert (" but not any other

" Companies ")

Page 15.

Line 8. Leave out (" same Expression ") and insert (" Court ")

Line 24. After (" Company ") insert (" and the Costs, Charges,

" and Expenses of winding up the same ")

Line 33. After (" Company ") insert (" and the Costs, Charges,

" and Expenses of winding up the same ")

Line 42. After (" Company ") insert (" and the Costs, Charges,

" and Expenses of winding up the same ")

Page 16.

Line 15. Leave out from (" alive ") to the End of the Clause.

Page 17.

Line 12. Leave out (" pronounced by ") and insert (" obtained

" in ")

Line 42. Leave out from (" may ") to (" make ") in Page 18,

Line 3.

Page 18.

Line 4. Leave out (" the [Court may, if it think fit, on the

Hearing of ")

Line 5. Leave out (" Petition make an ") and insert (" other "),

and in the same Line and Line 6, leave out (" for winding

up the Company in the first instance ") and insert (" as it

deems just ")

Line 20. Leave out (" within the District where ") and insert

(" in the Place in which ")

Line 36. After the second (" of ") insert (" undue or ")

Line 40. After (" of ") insert (" undue or ")

Page 19.

Line 2. After (" Trader ") insert (" and any Conveyance or

" Assignment made by any Company registered under this

" Act of all its Estate and Effects to Trustees for the

" Benefit of all its Creditors shall be void to all Intents ")

Line 3. After (" Order ") insert (" or Decree ")

Line 26. Leave out (" may be ") and insert (" has been ")

Line 27. Leave out from ("Act") to ("destroys") in Line 28.

Lines 38 and 39. Leave out ("Lands, Tenements, Goods, Money, and Chattels") and insert ("Estate and Effects")

Line 41. After ("filing") insert ("or Presentation"), and in the same Line leave out the second ("of") and insert ("for")

Page 20.

Line 5. Leave out from ("realized") to ("his") in Line 6.

Line 7. Leave out ("and") and insert ("or to proceed with the Attachment, Sequestration, or Execution, for the Purpose of realizing such Costs, but")

Line 11. Leave out the first ("thereof") and insert ("of such Property")

Line 13. Leave out ("official")

Line 26. Leave out ("Portion") and insert ("Portions")

Line 30. Leave out ("shall be paid into such Bank, and") and insert ("with the Exception of such Balance, if any, as the Official Liquidators may with the Sanction of the Court retain in their Hands for the Payment of current Expenses, shall in England be paid into the Bank of England or some Branch thereof, and in Ireland into the Bank of Ireland or some Branch thereof, and in Scotland into one of the incorporated or chartered Banks in Scotland")

Line 35. After ("Company") insert ("and either before or after making an Order for winding up the same")

Line 37. After ("Company") insert ("or appoint a Receiver of the Estate and Effects of the Company")

Page 21.

Line 1. Leave out ("due")

Line 2. After ("Proofs") insert ("to the Satisfaction of the Court"), and in the same Line leave out ("in Justice")

Line 14. Leave out ("Portion") and insert ("Portions")

Line 20. Leave out the second ("the Court") and insert ("there shall be appointed a Person or Persons to be called an Official Liquidator or Official Liquidators, and such Appointment shall be made as follows; that is to say, In Cases within the Jurisdiction of the Court of Chancery in England or Ireland, or of the Court of Session in Scotland, or of the Court of the Stannaries, the Court having Jurisdiction")

Line 30. After ("Persons") insert ("in Cases within the Jurisdiction of any Court of Bankruptcy the Official Assignee to

“ to be named by the Court shall be the Official Liquidator,
“ but it shall be lawful in Cases where the winding up takes
“ place at the Suit of a Creditor for the major Part in Value
“ of the Creditors assembled at a Meeting to be held for
“ the Purpose, and in Cases where the winding up takes
“ place at the Suit of a Contributory for the major Part in
“ Value of the Contributories assembled at a Meeting to be
“ held for the Purpose, to appoint an Official Liquidator to
“ act concurrently with the Official Liquidator so named by
“ the Court”)

Page 22.

Line 31. Leave out (“ Court may”) and insert (“ Official
Liquidators may, with the Approval of the Court,”)
Lines 32 and 33. Leave out (“ the Official Liquidators”) and
insert (“ them ”)
Line 35. Leave out (“ Per-centage”) and insert (“ Fees”), and
in the same Line after (“ as ”) insert (“ may be allowed by ”),
and in the same Line leave out (“ directs ”)

Page 24.

Line 7. After (“ Company ”) insert (“ registered under this
“ Act ”)
Line 9. After (“ situate ”) insert (“ it shall be competent for
“ the Vice Warden in any Suit instituted against any Share-
“ holder or Contributory of a Company so registered to
“ authorize the Service of Process on such Shareholder or
“ Contributory in any Part of England or Wales : Provided,
“ that it shall be lawful for the Lord Warden to remit at
“ once any Cause or Matter pending before him on Appeal
“ against any Decree or Order of the Court made in pursu-
“ ance of the Power conferred upon it by this Act for the
“ winding up of such a Company to the Court of Appeal in
“ Chancery, which shall thereupon have Power to hear and
“ determine such Appeal, and to make such Order or Orders
“ therein as may seem fit ”)
Line 36. After (“ Fees ”) insert (“ to be taken ”)
Line 40. After (“ Duchy ”) insert (“ of Cornwall ”)
Line 42. After (“ Court ”) insert (“ of the Stannaries ”)

Page 25.

Line 8. After the second (“ by ”) insert (“ the ”)

Page 26.

Line 32. Leave out (“ Portion ”) and insert (“ Portions ”)

Page 27.

Line 2. Leave out (“ Portion ”) and insert (“ Portions ”)

[222.]

B

Line

Line 6. Leave out from (" Manner ") to the second (" and ")
in Line 7, and insert (" in which such Winding-up has been
" conducted and the Property of the Company disposed of")

Page 28.

Lines 11 and 12. Leave out (" and remove ")

Line 14. After (" Act ") insert (" and remove them at Pleasure")

Page 29.

Line 23. After (" Places ") insert (" with reference to the Local
" Situation of the registered Offices of the Companies to be
" registered ")

Line 28. Leave out (" said ")

Line 37. Leave out (" anew ")

Page 30.

Line 5. After (" 1848. ") insert —
" (3.) An Act passed in the Eighth Year of the Reign of
" Her present Majesty, Chapter One hundred and eleven,
" and intituled ' An Act for facilitating the winding up
" ' the Affairs of Joint Stock Companies unable to meet
" ' their pecuniary Engagements.' "

" (4.) An Act passed in the Ninth Year of the Reign of
" Her present Majesty, Chapter Ninety-eight, and intituled
" ' An Act for facilitating the winding up the Affairs of
" ' Joint Stock Companies in Ireland unable to meet their
" ' pecuniary Engagements.' "

Line 10. Leave out (" anew ")

Line 30. Leave out (" themselves anew ") and insert (" itself ")

Line 32. Leave out (" anew ") and insert (" under this Act "),
and in the same Line leave out (" it has obtained ") and
insert (" either ")

Line 33. After (" Registration ") insert (" with Limited Lia-
" bility ")

Line 34. After (" 1855 ") insert (" has been obtained by it "),
and in the same Line leave out (" unless ")

Line 35. Leave out (" at least ")

Line 39. Leave out (" in order to obtain Registration anew ")
and insert (" previously to the Registration under this Act
" of any existing Company ")

Page 31.

Line 4. Leave out (" anew ")

Line 17. After (" Share ") insert (" such Statement shall also
" contain, in case the Company has not previously obtained,
" a Certificate of Limited Liability but is intended to be
" registered as a Limited Company under this Act ")

Line

Line 18. Leave out the second ("the") and insert ("such"), and in the same Line leave out from ("Addition") to ("of") in Line 20.

Line 22. Leave out from ("of") to ("if") in Line 24, and insert ("any other Company duly constituted by Law
" previously to the passing of this Act, and consisting of
" Seven or more Shareholders ")

Lines 41 and 42. Leave out ("Correctness of the Statements
" contained in any Document") and insert ("List of Share-
" holders and any other Particulars relating to the Company
" hereby required to be ")

Page 32.

Line 1. Leave out ("anew") and insert ("under this Act")

Line 9. Leave out ("anew")

Line 11. After ("thereupon") insert ("such Company shall
" be incorporated accordingly, and ")

Line 21. Leave out ("Royal Charter or Letters Patent"), and in the same Line and Line 22 leave out ("by special
" Resolution or otherwise")

Line 23. Leave out ("Charter or Letters Patent") and insert ("and no Company constituted by Royal Charter
" or Letters Patent shall have Power by special Resolution
" or otherwise to alter any of the Provisions contained in
" such Charter or Letters Patent without the Sanction of
" the Board of Trade")

Line 24. After ("Any") insert ("existing")

Line 29. Leave out ("of this Act") and insert ("herein
" contained"), and in the same Line leave out ("anew") and insert ("under this Act")

Line 32. Leave out ("anew")

Line 42. Leave out ("anew")

Page 35.

Line 17. Leave out ("transmitted"), and in the same Line after ("Share") insert ("in any Way other than by
" Transfer")

Page 36.

Line 5. Leave out ("think") and insert ("thinks")

Line 39. Leave out ("principal") and insert ("registered")

Page 37.

Line 8. Leave out ("Seven") and insert ("Three")

Line 15. Leave out from ("unless") to ("(32.) If") in Line 20, and insert ("a Quorum of Shareholders is present at the
" Commencement of such Business, and such Quorum shall

“ be ascertained as follows; that is to say, if the Shareholders
“ belonging to the Company at the Time of the Meeting
“ do not exceed Ten in Number the Quorum shall be Five,
“ if they exceed Ten there shall be added to the above
“ Quorum One for every Five additional Shareholders up to
“ Fifty, and One for every Ten additional Shareholders after
“ Fifty, with this Limitation, that no Quorum shall in any
“ Case exceed Forty ”)

Page 38.

- Line 14. Leave out (“several”) and insert (“One or more”)
- Line 34. Leave out (“transmitted to the Secretary”) and
insert (“deposited”)
- Line 35. After (“Company”) insert (“not less than”)
- Line 36. After (“vote”) insert (“but no Instrument or Man-
“ date appointing a Proxy shall be valid after the Expiration
“ of One Month from the Date of its Execution”)
- Leave out Paragraph (44.)
- Line 41. Leave out (“45.”) and insert (“44.”)

Page 39.

- Line 1. Leave out (“46.”) and insert (“45.”)
- Line 5. Leave out (“47.”) and insert (“46.”)
- Line 7. After (“Association”) insert (“if any”)
- Line 9. Leave out the first (“the”) and insert (“any”)
- Line 17. Leave out (“48.”) and insert (“47.”)
- Line 34. Leave out (“49.”) and insert (“48.”)
- Line 40. Leave out (“50.”) and insert (“49.”)

Page 40.

- Line 5. Leave out (“51.”) and insert (“50.”)
- Line 6. Leave out (“52.”) and insert (“51.”)
- Line 8. Leave out (“fit”)
- Line 9. Leave out (“53.”) and insert (“52.”)
- Line 16. Leave out (“54.”) and insert (“53.”)
- Line 20. Leave out (“55.”) and insert (“54.”)
- Line 25. Leave out (“56.”) and insert (“55.”)
- Line 33. Leave out (“57.”) and insert (“56.”)
- Line 39. Leave out (“58.”) and insert (“57.”)

Page 41.

- Line 1. Leave out (“59.”) and insert (“58.”)
- Line 5. Leave out (“60.”) and insert (“59.”)
- Line 9. Leave out (“61.”) and insert (“60.”)
- Line 16. Leave out (“62.”) and insert (“61.”)
- Line 30. Leave out (“63.”) and insert (“62.”)

Line

Line 36. Leave out ("64.") and insert ("63.")

Line 39. Leave out ("65.") and insert ("64.")

Line 41. Leave out ("66.") and insert ("65.")

Page 42.

Line 7. Leave out ("67.") and insert ("66.")

Line 10. Leave out ("68.") and insert ("67.")

Line 15. Leave out ("69.") and insert ("68.")

Line 17. Leave out ("70.") and insert ("69.")

Line 30. Leave out ("71.") and insert ("70.")

Line 34. Leave out ("72.") and insert ("71.")

Page 43.

Line 3. Leave out ("a")

Page 44.

Line 10. Leave out ("this Act") and insert ("these Regulations")

Line 29. Leave out ("County") and insert ("District")

Page 46.

Line 34. Leave out from ("Limited") to ("It") in Page 47,
Line 1

Page 47.

Line 2. Leave out from ("1st.") to ("No") in Line 8.

Line 9. Leave out from ("Writing") to ("If") in Line 14,
and insert ("2d.")

Line 17. Leave out ("5th.") and insert ("3d.")

Line 20. Leave out ("6th.") and insert ("4th.")

Line 21. Leave out ("Regulation") and insert ("Regulations"), and in the same Line after ("Twelve") insert
("and Thirteen")

Line 24. Leave out ("7th.") and insert ("5th.")

Line 26. Leave out ("8th.") and insert ("6th.")

Line 28. After ("that") insert ("Day")

Line 30. Leave out ("9th.") and insert ("7th.")

Line 32. Leave out ("10th.") and insert ("8th.")

Line 35. Leave out ("11th.") and insert ("9th.")

Page 48.

Line 26. Leave out ("anew")

Line 28. Leave out ("anew") and insert ("under this Act")

Page 49.

In Form ("E."), after—

("Total Amount of Calls unpaid £")

insert—

("Total Amount of Shares forfeited £")

Page 50.

Insert ("Form I.") from Page 51, as ("Form G."), inserting in the Margin thereof ("Section XXXVIII."), and as a Heading the Words ("*Licence to hold Lands*")

In the Heading of ("Form G.") leave out ("G.") and insert ("H.")

Page 51.

In the Heading of ("Form H.") leave out ("H.") and insert ("I.")

Line 3. Leave out ("London") and insert ("Edinburgh")

LORDS AMENDMENTS

TO THE

JOINT STOCK COMPANIES BILL.

Ordered, by The House of Commons, to be Printed,
4 July 1856.

[Bill 222.]

Under 2 oz.



A

B I L L

INTITULED

An Act to amend the Joint Stock Companies Winding-up Acts, 1848 and 1849.

WHEREAS it is expedient to amend the Joint Stock Companies Winding-up Acts, 1848 and 1849: Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Preamble.

11 & 12 Vict.
c. 45.
12 & 13 Vict.
c. 108.

- I. It shall be lawful for the Judge or Master charged with the winding-up of any Company, in all Cases in which it shall appear expedient, and for the Benefit of the Parties interested, in and by the
- 10 Advertisement for Proof of Debts required by the Seventy-second Section of the Joint Stock Companies Winding-up Act, 1848, or by subsequent Advertisements, from Time to Time, to call upon the Creditors of the Company whose Debts shall have been proved before and allowed by him to meet before such Judge or Master at such
- 15 Time and Place as shall be fixed by him, for the Purpose of appointing One or more Person or Persons to represent all the Creditors of the said Company in and about the said Proceedings before him, or in and about so many and such of the same Proceedings as to such Judge or Master shall from Time to Time seem expedient; and it
- 20 shall be lawful for Two Thirds in Value of such of the Creditors present by themselves, or by Attorney duly authorized at such Meetings,
- [Bill 136.]

Master by
Advertise-
ment may
call Meetings
of Creditors
to appoint
Representa-
tive of
Creditors.

2 *Joint Stock Companies Winding-up Acts Amendment.*

ings, as would be entitled to vote in the Choice of Assignees under a Bankruptcy to choose some Person or Persons to represent all the Creditors of any such Company accordingly ; and the Proceedings of such Meeting shall be conducted before and by the said Judge or Master in the same Manner as would be the Case if the said 5 Creditors were proceeding to the Election of Assignees in Bankruptcy, and the Person or Persons so to be chosen may be the Official Manager or Official Managers of the said Company ; provided that the said Judge or Master may reject any Person or Persons so chosen who shall appear to him unfit to be such Representative or Representatives, 10 or to remove any such Representative or Representatives, and upon such Rejection or Removal a new Choice of a Representative or Representatives shall be made in like Manner ; and from and after the issuing of any such Advertisement as aforesaid all the Creditors of the said Company shall be deemed Parties to the winding-up. 15

After such Advertisement Creditors to be deemed Parties to the winding-up.

Representatives of Creditors may concur in Proceedings and in Compromises.

II. It shall be lawful for such Representatives or Representative to join and concur or take part in all the Proceedings in and about the winding-up of the said Company, or such of the same Proceedings as the Judge or Master shall deem expedient for the Interest of the Creditors, and also, subject as herein-after is mentioned, to take part 20 in, consent to, or approve of any Compromise or Composition or other Arrangement which the Official Manager may make either with the Debtors or Creditors of the said Company, or with the Contributories or alleged Contributories thereof, or otherwise in respect of its Estate or Affairs ; and all the Creditors of the said Company, whether their 25 Debts shall have been then proved or not, shall be fully and effectually bound by the Acts of such Representatives or Representative as to all such Matters.

All Creditors to be bound thereby.

No Compromise valid until approved by Court of Chancery, on Petition.

III. No such Compromise or Composition shall be valid until the same shall have been approved by the Court of Chancery, on a 30 Petition to be presented for that Purpose by such Representative or Representatives.

Notice of Day appointed for the Hearing of Petition to be publicly advertised.

IV. The Court before which such Petition is to be heard shall give such Directions as to such Court may seem fit for causing such Compromise or Composition, and due Notice of the Day appointed 35 for the Hearing of such Petition, to be publicly advertised, so that the same may as far as possible become known to all the Creditors ; and on the Hearing of such Petition any Creditor may appear and oppose the Confirmation of such Compromise or Composition, and the Court shall have full Power to make such Order as to Costs as may 40 be just.

V. It

V. It shall be lawful for the Judge or Master of the High Court of Chancery in England acting in the Winding-up of any Company to appoint any Person in Ireland, and it shall be lawful for the Master of the High Court of Chancery in Ireland acting as aforesaid to appoint any Person in England, other than or in addition to the Commissioners, Judges, and other Persons named in the Twentieth Section of the Joint Stock Companies Winding-up Act, 1849, to be Commissioners for the Purposes and with the same Powers and Authorities as in the said Twentieth Section of the last-mentioned Winding-up Act are named or referred to in that Behalf.

VI. This Act shall be taken and construed as a Part of the said "Joint Stock Companies Winding-up Acts, 1848 and 1849."

VII. In citing this Act in other Acts of Parliament and in legal Instruments and in legal Proceedings it shall be sufficient to use the Expression, "The Joint Stock Companies Winding-up Amendment Act, 1856."

Master may
appoint
Commis-
sioners for
receiving
Evidence.

Act to be
deemed Part
of Winding-
up Acts.

Short Title
of Act.

Joint Stock Companies
Winding-up Acts Amendment.

A

B I L L

INTITLED

An Act to amend the Joint Stock Companies Winding-up Acts, 1848 and 1849.

(*Brought from the Lords 19 May 1856.*)

Ordered, by The House of Commons, to be Printed,
21 May 1856.

[Bill 136.]

Under 1 oz.



A

B I L L

[AS AMENDED IN COMMITTEE]

INTITULED

An Act to amend the Joint Stock Companies Winding-up Acts, 1848 and 1849.

[Note.—*The Clauses marked A. to G. were added in Committee.*]

WHEREAS it is expedient to amend the Joint Stock Companies Winding-up Acts, 1848 and 1849: Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

- I. It shall be lawful for the Judge or Master charged with the Winding-up of any Company, in all Cases in which it shall appear expedient, and for the Benefit of the Parties interested, in and by the
- 10 Advertisement for Proof of Debts required by the Seventy-second Section of the Joint Stock Companies Winding-up Act, 1848, or by subsequent Advertisements, or by Notice transmitted to each of the Creditors by Post, as by the said Two before-mentioned Acts are directed, from Time to Time to call upon the Creditors of the
- 15 Company whose Debts shall have been proved before and allowed by him to meet before such Judge or Master at such Time and Place as shall be fixed by him, for the Purpose of appointing One or more Person or Persons to represent all the Creditors of the said Company in and about the said Proceedings before him, or in and about so
- 20 many and such of the same Proceedings as to such Judge or Master
- [Bill 196.] A shall
- Master by
Advertis-
ement may
call Meetings
of Creditors
to appoint
Representa-
tive of
Creditors.
- Preamble.
11 & 12 Vict.
c. 45.
12 & 13 Vict.
c. 108.

shall from Time to Time seem expedient; and it shall be lawful for Two Thirds in Value of such of the Creditors present at such Meetings, by themselves or by some Person authorized by any Letter or Writing under the Hand of such Creditor, and which Letter or Writing shall require no Stamp Duty to be paid thereon, as 5 would be entitled to vote in the Choice of Assignees under a Bankruptcy, to choose some Person or Persons to represent all the Creditors of any such Company accordingly; and the Proceedings of such Meeting shall be conducted before and by the said Judge or Master in the same Manner as would be the Case if the said 10 Creditors were proceeding to the Election of Assignees in Bankruptcy, and the Person or Persons so to be chosen may be the Official Manager or Official Managers of the said Company; provided that the said Judge or Master may reject any Person or Persons so chosen who shall appear to him unfit to be such Representative or Representatives, 15 or to remove any such Representative or Representatives, and upon such Rejection or Removal a new Choice of a Representative or Representatives shall be made in like Manner; and from and after the issuing of any such Advertisement as aforesaid all the Creditors of the said Company shall be deemed Parties to the Winding-up. 20

After such Advertisement Creditors to be deemed Parties to the Winding-up.

Representatives of Creditors may concur in Proceedings and in Compromises.

All Creditors to be bound thereby.

II. It shall be lawful for such Representatives or Representative to join and concur or take part in all the Proceedings in and about the Winding-up of the said Company, or such of the same Proceedings as the Judge or Master shall deem expedient for the Interest of the Creditors, and also, subject as herein-after is mentioned, to take part 25 in, consent to, or approve of any Compromise, Composition, or Arbitration or other Arrangement which the Official Manager may make or enter into either with the Debtors or Creditors of the said Company, or with the Contributories or alleged Contributories thereof, or otherwise in respect of its Estate or Affairs; and all the Creditors 30 of the said Company, whether their Debts shall have been then proved or not, shall, subject to the Provisions herein-after contained, be fully and effectually bound by the Acts of such Representatives or Representative as to all such Matters.

CLAUSE A. Compromise, &c. to be subject to Consent of Creditors, if required by Court.

III. No such Compromise, Composition, Arbitration, or other 35 Arrangement shall be valid unless the same be made with Leave of the Judge or Master; and every such Compromise, Composition, Arbitration, or other Arrangement shall be subject to such Conditions, if any, as to obtaining the Consent of Creditors or any Proportion of them, as the said Judge or Master shall think fit to direct. 40

CLAUSE B. Proceedings under this Act subject to Appeal.

IV. All Orders, Directions, Reports, and other Proceedings of or before the Judge or Master under this Act shall be subject to all such

Joint Stock Companies Winding-up Acts Amendment. 3

such Appeals as are allowed and provided in the Two aforesaid Joint Stock Companies Winding-up Acts, 1848 and 1849.

V. No Creditor or Claimant shall be prejudiced or affected by any such Compromise, Composition, Arbitration, or other Arrangement, or by carrying the same into effect, as to his Right or Remedy against any Person, other than the Company and the Members and Contributories thereof, except so far as may by the Terms of such Compromise, Composition, Arbitration, or Agreement be expressly provided to the contrary.

CLAUSE C.
Creditors
Rights
against
Third Per-
sons not to
be preju-
diced.

VI. After the Judge or Master shall have called on the Creditors to appoint a Representative, as herein-before mentioned, no such Action as is mentioned in the Seventy-third Section of the said Joint Stock Companies Winding-up Act, 1848, shall be commenced or proceeded with, except by Leave of the said Judge or Master; and no Time which shall elapse after the said Creditors shall be so called on shall be reckoned as Part of the Time which by virtue of any Statute of Limitations or otherwise is or shall be limited for commencing or prosecuting any Action, Suit, Step, or Proceeding against the Company, or the Persons, being Members or Contributories thereof, with reference to or in respect of any Debt or Demand which might be discharged or affected by any such Compromise, Composition, Arbitration, or other Arrangement as is herein-before mentioned.

CLAUSE D.
After Ad-
vertisements
for Repre-
sentative,
Creditors
not to sue
at Law with-
out Leave
of Court,
and Time
is not to
run against
them.

VII. The Provisions contained in the Thirty-eighth, Fortieth, and Forty-eighth Sections of the Joint Stock Companies Winding-up Act, 1848, shall extend to and comprise Creditors or Persons who have claimed to be Creditors of the said Company as well as Contributories and alleged Contributories; and after the Judge or Master shall have called on the Creditors to appoint a Representative, as herein-before mentioned, such Creditors and Persons who have claimed to be Creditors shall be entitled to attend the Proceedings, and to submit Proposals, and to inspect Books, as in the said Sections of the said Act are mentioned.

CLAUSE E.
Creditors
to be at
liberty to
attend Pro-
ceedings,
appoint
Solicitors,
and inspect
Books of
Company.

VIII. It shall be lawful for the Court of Chancery in England or Ireland respectively, upon the Application by the Official Manager, by Motion, or by Petition in a summary Manner, to restrain by Injunction any Contributory or alleged Contributory from disposing of any Part of his or her Real or Personal Property.

CLAUSE F.
Court may
restrain Con-
tributories
from parting
with their
Property.

IX. Every Order for Payment of Money made or to be made by the Judge or Master, under and by virtue of the said Joint Stock Companies Winding-up Acts, or either of them, or of this Act, shall

CLAUSE G.
Orders for
Payment of
Money to be
Incumbran-

4 *Joint Stock Companies Winding-up Acts Amendment.*

ces in Ire-
land within
13 & 14 Vict.
c. 29.

be deemed and taken to be an Order of a Court of Equity within the Meaning of the Sixth Section of the Thirteenth and Fourteenth of Her present Majesty, Chapter Twenty-nine, intituled "An Act to amend the Laws concerning Judgments in Ireland," and such Order shall be capable of being registered, under the Provisions of the said Section, upon an Affidavit containing the several Particulars required by the said Sixth Section of the said last-mentioned Act; and the Official Manager shall be deemed, under any such Order, to be the Creditor of any Contributory against whom such Order has been or shall be made; and that the Registration of any such Affidavit shall operate in and to the like Manner and Effect as is enacted and provided in the Seventh Section of the last-mentioned Act respecting Affidavits made and registered under the Sixth and Seventh Sections of such last-mentioned Act. 5 10

Master may
appoint
Commis-
sioners for
receiving
Evidence.

X. It shall be lawful for the Judge or Master of the High Court of Chancery in England acting in the Winding-up of any Company to appoint any Person in Ireland, and it shall be lawful for the Master of the High Court of Chancery in Ireland acting as aforesaid to appoint any Person in England, other than or in addition to the Commissioners, Judges, and other Persons named in the Twentieth Section of the Joint Stock Companies Winding-up Act, 1849, to be Commissioners for the Purposes and with the same Powers and Authorities as in the said Twentieth Section of the last-mentioned Winding-up Act are named or referred to in that Behalf. 15 20

Act to be
deemed Part
of Winding-
up Acts.

XI. This Act shall be taken and construed as a Part of the said "Joint Stock Companies Winding-up Acts, 1848 and 1849." 25

Short Title
of Act.

XII. In citing this Act in other Acts of Parliament, and in legal Instruments and in legal Proceedings, it shall be sufficient to use the Expression "The Joint Stock Companies Winding-up Amendment Act, 1856." 30

Joint Stock Companies
Winding-up Acts Amendment.

A

B I L L

[AS AMENDED IN COMMITTEE]

INTITLED

An Act to amend the Joint Stock Companies Winding-up Acts, 1848 and 1849.

(*Brought from the Lords 19 May 1856.*)

*Ordered, by The House of Commons, to be Printed,
23 June 1856.*

[Bill 196.]

Under 1 oz.

21 May 1856. 19 VICT.



A

B I L L

TO

Take away from all Archbishops, Bishops, and Ecclesiastical Persons in England and Wales all Power of appointing Judges and Chancellors, and vesting such Powers in the Lord Chancellor.

WHEREAS it is expedient to take from Archbishops, Bishops, Deans, and Archdeacons, and other Ecclesiastical Persons, the Right and Power of appointing Persons to the Offices of Dean of the Arches, Master of the Faculty Court, Dean of Peculiars, Vicar General, Judge of the Prerogative Court of Canterbury, as well as of Chancellors, Registrars, Official Principals, Commissaries, and of other Persons holding Judicial Offices and exercising Judicial Functions throughout England and Wales : Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows :

I. From and after the *passing of this Act*, no Archbishop, Bishop, Dean, Archdeacon, or other Ecclesiastical Person shall have Power to appoint any Chancellor, Vicar General, Dean of the Faculties, Judge of the Prerogative Court of Canterbury, Dean of Peculiars, Vicar General, Registrar, or other Judicial Officer, of any Nature, Kind, or Denomination

Arch-
bishops, &c.
not to ap-
point Ju-
dicial
Officers.

[Bill 135.]

Denomination whatsoever; and the Right or Power of nominating to any such Office, which but for this Act would or might have been exercised by any Archbishop, Bishop, Dean, Archdeacon, or other Ecclesiastical Person in England or Wales, shall henceforth be exercised by the Lord High Chancellor or other Person having the 5 Custody of the Great Seal, in the same Manner as such Right or Power might, if this Act had not passed, have been exercised by such Archbishop, Bishop, Archdeacon, or other Ecclesiastical Person.

Persons
eligible.

III. Provided always, That no Person in Holy Orders, but that all other Persons now eligible, and any Barrister of not less than Seven 10 Years Standing shall be eligible and capable of being appointed to any of such Offices.

Powers
given by the
3 & 4 Vict.
c. 86. to the
Bishop
retained.

IV. Provided, That nothing in this Act shall in any way affect the Powers conferred on Bishops and Archbishops by the Third and Fourth Victoria, Chapter Eighty-six, entitled "An Act for better 15
" enforcing Church Discipline."

Act not to
extend to
Scotland and
Ireland.

V. This Act shall not extend to Scotland and Ireland.

Judges and Chancellors.

A

B I L L

To take away from all Archbishops, Bishops, and Ecclesiastical Persons in England and Wales all Power of appointing Judges and Chancellors, and vesting such Powers in the Lord Chancellor.

(*Prepared and brought in by*
Mr. John George Phillimore, Mr. Watson,
and Colonel Freston.)

Ordered, by The House of Commons, to be Printed,
21 May 1856.

[Bill 135.]

Under 1 oz.

Judgments Execution, &c. Bill.

ARRANGEMENT OF CLAUSES.

Where final Judgment has been obtained in the Courts at Westminster, a Memorial of such Judgment may be registered in Ireland, and vice versâ, and Execution obtained thereon ; Sect.' 1.

Where final Judgment has been obtained in the Courts at Westminster or at Dublin, a Memorial of such Judgment may be registered in Scotland, and Execution obtained thereon ; 2.

No Memorial of a Judgment to issue without Rule of Court or Judge's Order or Certificate ; 3.

Decrets of Court of Session, or of Sheriff Courts and Decrets of Registration in the Books of Council and Session in Scotland, may be registered in England or Ireland, and Execution obtained thereon ; 4.

No Extract of Decree to issue without Warrant of Court or Lord Ordinary ; 5.

Memorial or Extract to be produced for Registration within Six Days of Date thereof ; 6.

Memorial or Extract to be filed, and Satisfaction or Discharge may be entered thereon, and Certificate thereof to be Evidence ; 7.

Registers may be searched, and for each Search a Fee of Sixpence ; 8.

Security for Costs, where Plaintiff resides in a different Part of the United Kingdom, abolished ; 9.

Costs not to be allowed in Actions on Judgments, unless by Order of Court ; 10.

Punishment of Forgery of Signature of Officer of Court ; 11.

Judges to make Rules for Execution of this Act ; 12.

Judges at Westminster and Dublin to issue altered Writs of Execution, if necessary ; 13.

Short Title of Act ; 14.

SCHEDULE.

4 February 1856. 19 VICT.



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B I L L

TO

Enable Execution to issue in any Part of the
United Kingdom under Judgments or Decrees
obtained in certain Courts of Record in England,
Scotland, and Ireland.

BE it enacted by the Queen's most Excellent Majesty, by and
with the Advice and Consent of the Lords Spiritual and
Temporal, and Commons, in this present Parliament assembled,
and by the Authority of the same, as follows :

- 5 I. Where Judgment shall have been obtained or entered up or shall
hereafter be obtained or entered up in any of the Courts of Queen's
Bench, Common Pleas, or Exchequer at Westminster or Dublin re-
spectively, for any Debt, Damages, or Costs, on Production to the
Master of the Court of Common Pleas at Dublin where such Judgment
10 shall have been obtained or entered up in any of the said Courts in
England, or to the Senior Master of the Court of Common Pleas at
Westminster where such Judgment shall have been obtained or entered
up in any of the said Courts in Ireland, of a Memorial of such Judg-
ment, in the Form contained in the Schedule to this Act annexed,
15 marked No. 1, signed by the proper Officer of the Court where such
Judgment has been obtained or entered up, such Memorial shall be
registered by such Master in a Register to be kept in the Court of
Common Pleas at Dublin and at Westminster respectively for that
Purpose, and to be called in the Court of Common Pleas at Dublin
20 "The Register for English Judgments," and to be called in the
Court of Common Pleas at Westminster "The Register for Irish
Judgments," and every Memorial so registered shall from the Date

[Bill 4.]

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Where final
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at West-
minster, a
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ment may be
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in Ireland,
and vice
versâ and
Execution
obtained
thereon.

of such Registration and so long as the original Judgment of which it is a Memorial shall remain in full Force unrecovered and unsatisfied, and Execution may issue thereon without a Revival, be of the same Force, Charge, and Effect as a Judgment obtained or entered up in the Court in which it is so registered, and all Proceedings shall and 5 may be immediately had and taken on such Memorial, or by reason or in consequence thereof, as if the Judgment of which it is a Memorial had been a Judgment originally obtained or entered up in the Court in which it is so registered, and all the reasonable Costs and Charges attendant upon the obtaining and registering such Memorial 10 shall be recovered in like Manner as if the same were Part of the Judgment of which it is a Memorial.

Where final Judgment has been obtained in the Courts at Westminster or at Dublin, a Memorial of such Judgment may be registered in Scotland, and Execution obtained thereon.

II. Where Judgment shall have been obtained or entered up or shall hereafter be obtained or entered up in any of the Courts of Queen's Bench, Common Pleas, or Exchequer at Westminster or Dublin re- 15 spectively, for any Debt, Damages, or Costs, on Production at the Office kept in Edinburgh for the Registration of Deeds, Bonds, Protests, and other Writs registered in the Books of Council and Session of a Memorial of such Judgment, in the Form contained in the Schedule to this Act annexed, marked No. 1, signed by the proper Officer of the 20 Court where such Judgment has been obtained, such Memorial shall be registered in a Book to be kept for that Purpose, and to be called "The Register for English and Irish Judgments," in like Manner as a Bond executed according to the Law of Scotland, with a Clause of Registration for Execution therein contained; and every Memorial 25 so registered shall from the Date of such Registration, and so long as the original Judgment of which it is a Memorial shall remain in full Force, unrecovered and unsatisfied, and Execution may issue thereon without a Revival, be of the same Force, Charge, and Effect as a Decreet of the Court of Session, and all Proceedings shall and 30 may be immediately had and taken on such Memorial, or by reason or in consequence thereof, as if the Judgment of which it is a Memorial had been a Decreet originally pronounced in the Court of Session, and all the reasonable Costs, Charges, and Expenses attendant upon the obtaining and registering such Memorial shall be recovered in 35 like Manner as if the same were Part of the Judgment of which it is a Memorial.

No Memorial of a Judgment to issue without Rule of Court or Judge's Order or Certificate.

III. No Memorial of any Judgment as aforesaid shall be issued by any Officer of the said Courts in England or Ireland without a Rule of Court or Judge's Order, or unless the Judge who tries the Cause 40 in which such Judgment is obtained shall certify that such Memorial ought to issue.

Decrees of Court of Session or

IV. On Production to the Senior Master of the Court of Common Pleas at Westminster, or to the Master of the Court of Common Pleas at Dublin, of an Extract, in the Form contained in the Schedule 45

to

to this Act annexed, marked No. 2, of any Decreet of the Court of Session in Scotland which shall have been obtained or shall hereafter be obtained for the Payment of any Debt, Damages, or Expenses, signed by the Extractor of the Court of Session, or other Officer duly
5 authorized to make and subscribe Extracts, or on Production of an Extract, in the Form contained in the Schedule to this Act annexed, marked No. 3, of any Decreet of Registration in the Books of Council and Session, signed by the Principal Keeper of the General Register of Deeds, Bonds, Protests, and other Writs registered for Execution
10 in the Books of Council and Session, or on Production of an Extract, in the Form contained in the Schedule to this Act annexed, marked No. 4, of any Decreet of any Sheriff Court in Scotland, not being a Small Debt Court, which shall have been obtained or shall hereafter be obtained for the Payment of any Debt, Damages, or Expenses, signed
15 by the Clerk of such Sheriff, or other Officer duly authorized to make and subscribe Extracts, such Extract shall be registered by such Master in a Register to be kept in the Court of Common Pleas at Westminster and Dublin respectively for that Purpose, and to be called "The Register for Scotch Judgments," and such Extract when
20 so registered shall from the Date of such Registration and so long as the original Decreet of which it is an Extract shall remain in full force, unrecovered and unsatisfied, be of the same Force, Charge, and Effect as a Judgment obtained or entered up in the Court in which it is so registered, and all Proceedings shall and may be immediately had and
25 taken on such Extract or by reason or in consequence thereof, as if the Decreet of which it is an Extract had been a Judgment originally obtained or entered up in the Court in which it is so registered, and all the reasonable Costs, Charges, and Expenses attendant upon the obtaining and registering such Extract shall be recovered in like Manner as if
30 the same were Part of the Decreet of which it is an Extract; provided that where a Note of Suspension of any such Decreet shall have been passed or a Sist of Execution shall have been granted thereon by the said Court of Session or any Judge thereof, on the Production of a Certificate under the Hand of the Clerk to the Bill Chamber of the Court
35 of Session of the passing of such Note or the granting of such Sist, to a Judge of the Court in which such Extract of such Decreet has been registered, Execution on such registered Extract shall be stayed until a Certificate be produced under the Hand of the said Clerk that such Sist has been recalled or has expired, or where the Note of Suspension has been passed, until there be produced an Extract, under
40 the Hand of the Extractor of the Court of Session or other Officer duly authorized to make and subscribe Extracts, of a Decreet of the said Court repelling the Reasons of Suspension.

of Sheriff Courts and Decrees of Registration in the Books of Council and Session in Scotland may be registered in England or Ireland, and Execution obtained thereon.

45 V. No Extract of any Decreet as aforesaid shall be granted for the Purposes of this Act by any of the said Officers in Scotland, except under a Warrant of one or other of the Divisions of the Court of

No Extract of Decreet to issue without Warrant of Court or

Lord Ordinary.

Session, or (in Time of Vacation) of the Lord Ordinary on the Bills to be obtained on summary Application.

Memorial or Extract to be produced for Registration within Six Days of Date thereof.

VI. No Memorial of any Judgment or Extract of any Decreet as aforesaid shall be registered in any Court or Office under the Provisions of this Act, unless produced for Registration as herein-before provided within *Six Days* after the Date of such Memorial or Extract; nor shall any Extract of any Decreet be registered under the Provisions of this Act unless there be produced with it to the Registering Officer a certified Copy of the Interlocutor granting Warrant to extract the Decreet for the Purposes of this Act.

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Memorial or Extract to be filed and Satisfaction or Discharge may be endorsed thereon, and Certificate thereof to be Evidence.

VII. Every Memorial of a Judgment or Extract of a Decreet registered under this Act shall be filed by the Registering Officer, and on the Amount due on such Judgment or Decreet being recovered, Satisfaction or a Discharge may be entered by Endorsement on such Memorial or Extract, and a Memorandum of such Satisfaction or Discharge, and of the Date thereof, shall be made in the Book in which such Memorial or Extract has been registered, and a Certificate of such Satisfaction or Discharge so endorsed on any Memorial or Extract as aforesaid, signed by the Registering Officer, shall be Evidence of such Satisfaction or Discharge.

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Registers may be searched, and for each Search a Fee of Sixpence to be paid.

VIII. All Registers for Judgments and DECREETS kept under this Act may be searched and viewed by all Persons at all reasonable Times, paying to the Officer for every Search the Sum of Sixpence, and no more.

Security for Costs, where Plaintiff resides in a different Part of the United Kingdom, abolished.

IX. It shall not be necessary for any Plaintiff in any of the aforesaid Courts in England, resident in Ireland or Scotland, or any Plaintiff in any of the aforesaid Courts in Ireland, resident in England or Scotland, to find Security for Costs in respect of such Residence, unless, on special Grounds, a Judge or the Court shall otherwise order, nor shall it be necessary for any Party to any Suit in any of the aforesaid Courts in Scotland, resident in England or Ireland, to sue by or sist a Mandatory, or otherwise to find Security for Expenses in respect of such Residence, unless, on special Grounds, the Court shall otherwise order.

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Costs not to be allowed in Actions on Judgments, unless by Order of Court.

X. In any Action brought in any Court in England, Scotland, or Ireland, on any Judgment or Decreet which might be registered under this Act in the Country in which such Action is brought, the Party bringing such Action shall not recover or be entitled to any Costs or Expenses of Suit, unless the Court in which such Action shall be brought, or some Judge of the same Court, shall otherwise order.

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Punishment of Forgery of Signature of Officer of Court.

XI. If any Person shall forge the Signature of any Officer of any Court in England, Scotland, or Ireland to any Memorial of a Judgment,

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ment, or to any Extract of a Decreet, or to any other Document required under this Act, or shall tender for Registration, or use or utter, any such Memorial, Extract, or Document, with a false or counterfeit Signature thereto, knowing the same to be forged, he
 5 shall be guilty of Felony, and in Scotland of a High Crime and Offence, and shall upon Conviction be liable to Transportation for *Fourteen* Years, or to Penal Servitude for any Term not exceeding *Ten* Years and not less than *Four* Years, or to Imprisonment for any Term not exceeding *Three* Years, with or without Hard
 10 Labour; and every Person who shall be charged with committing any such Felony or Crime and Offence may be dealt with, indicted, tried, and, if convicted, sentenced, and his Offence may be laid and charged to have been committed, in the Country or Place in which he shall be apprehended or be in Custody.

15 XII. It shall be lawful for the Judges of the Court of Queen's Bench, Common Pleas, and Exchequer at Westminster and Dublin respectively, or any Eight or more of them respectively, of whom the Chiefs of the said Courts respectively shall be Three, and they are hereby required, from Time to Time to make all such General Rules
 20 and Orders to regulate the Practice to be observed in the Execution of this Act or in any Matter relating thereto, including the Scale of Fees to be charged, in the Courts of Common Law in England and Ireland respectively, as in their Judgments shall be necessary and proper; and it shall be lawful for the Court of Session in Scotland,
 25 and the said Court is hereby required, from Time to Time to make such Acts of Sederunt to regulate the Practice to be observed in the Execution of this Act or in any Matter relating thereto, including the Scale of Fees to be charged, in Scotland, as in its Judgment shall be necessary and proper: Provided always, that such Rules, Orders, and
 30 Acts of Sederunt respectively shall be laid before both Houses of Parliament within *One Month* from the making thereof, if Parliament be then sitting, or if Parliament be not then sitting within *One Month* from the Commencement of the then next Session of Parliament.

Judges to make Rules for Execution of this Act.

XIII. Such altered Writs of Execution may be issued in the said
 35 Courts of Common Pleas at Westminster and Dublin respectively as may by the Judges of the said Courts respectively be deemed necessary or expedient for giving Effect to the Provisions of this Act, and in such Forms as the Judges of such Courts respectively shall from Time to Time think fit to order; and any existing Writ of Execution,
 40 the Form of which shall be in any Manner altered in pursuance of this Act, shall nevertheless be of the same Force and Virtue as if no Alteration had been made thereon.

Judges at Westminster and Dublin to issue altered Writs of Execution if necessary.

XIV. In citing this Act in any Instrument, Document, or Proceeding it shall be sufficient to use the Expression "The Judgments
 45 Execution Act, 1856."

Short Title of Act.

SCHEDULE.

No. 1.

Memorial of Judgment.

On the Day of in the Year of our
 Lord in the Court of Queen's Bench [Common
 Pleas, *or* Exchequer of Pleas] at Westminster [*or* at Dublin], *A.B.*,
 by the Consideration and Judgment of the said Court, recovered
 against *C.D.* the Sum of which in and
 by the said Court was then and there adjudged to the said *A.B.*
 [according to the Form of the Judgment], whereof the
 said *C.D.* was convicted, which Judgment still remains in full
 Force, unrecovered and unsatisfied, and Execution may now be issued
 thereon.

Dated the Day of 18 .

[*Officer of Court's Signature, adding his
 official Designation.*]

No. 2.

COURT OF SESSION EXTRACT.

Decreet for Payment.

At Edinburgh, the Day of sitting in Judgment,
 the Lords of Council and Session decerned and ordained, and hereby
 decern and ordain Defender to make
 Payment to Pursuer of the Sum of
 Sterling [according to the Form of the Decree], item
 of the lawful Interest of the said Sum from and since the
 Day of till Payment, and of the Sum of
 of Expenses found due, and of the Sum of Sterling
 further as the Expense of extracting this Decreet. Extracted by
 me Extractor in the Court of Session at Edinburgh,
 the Day of .

[*Principal or Assistant Extractor or other Officer's Signature, adding
 his official Designation.*]

No. 3.

Judgments Execution, &c.

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BILL

To enable Execution to issue in any
Part of the United Kingdom under
Judgments or Decrets obtained in
certain Courts of Record in England,
Scotland, and Ireland.

(*Prepared and brought in by*
Mr. Creaford and Mr. Dunlop.)

Ordered, by The House of Commons, to be Printed,
4 February 1856.

[Bill 4.]

Under 2 os.

Judgments Execution, &c. Bill.

[AS AMENDED IN COMMITTEE.]

ARRANGEMENT OF CLAUSES.

Where Judgment has been obtained in the Courts at Westminster, a Memorial of such Judgment may be registered in Ireland, and vice versâ, and Execution obtained thereon; Sect. 1.

Where Judgment has been obtained in the Courts at Westminster or at Dublin, a Memorial of such Judgment may be registered in Scotland, and Execution obtained thereon; 2.

No Memorial of a Judgment to issue without Rule of Court or Judge's Order or Certificate; 3.

Decree of Court of Session or of Sheriff Courts, and Decrees of Registration in the Books of Council and Session in Scotland, may be registered in England or Ireland, and Execution obtained thereon; 4.

No Extract of Decree to issue without Warrant of Court or Lord Ordinary; 5.

Memorial or Extract to be produced for Registration within Thirty Days of Date thereof; 6.

CLAUSE A. Courts at Westminster and Dublin to have same Control over registered Memorial and Extract as over Warrants of Attorney to confess Judgment; 7.

CLAUSE B. In case of Bankruptcy or Insolvency, registered Memorial and Extract not to be of greater Effect than Warrant of Attorney to confess Judgment; 8.

Memorial or Extract to be filed, and Satisfaction or Discharge may be entered thereon, and Certificate thereof to be Evidence; 9.

Registers may be searched, and for each Search a Fee of Sixpence; 10.

Security for Costs, where Plaintiff resides in a different Part of the United Kingdom, abolished; 11.

Costs not to be allowed in Actions on Judgments, unless by Order of Court; 12.

Punishment of Forgery of Signature of Officer of Court; 13.

Judges to make Rules for Execution of this Act; 14.

Judges at Westminster and Dublin to issue altered Writs of Execution, if necessary; 15.

Short Title of Act; 16.

SCHEDULE.

[Bill 239.]

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10 July 1856. 19 & 20 VICT.



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B I L L

[AS AMENDED IN COMMITTEE]

TO

Enable Execution to issue in any Part of the
United Kingdom under Judgments or Decrees
obtained in certain Courts of Record in England,
Scotland, and Ireland.

[The Clauses A. and B. were added in Committee].

BE it enacted by the Queen's most Excellent Majesty, by and
with the Advice and Consent of the Lords Spiritual and
Temporal, and Commons, in this present Parliament assembled,
and by the Authority of the same, as follows :

- 5 I. Where Judgment shall have been obtained or entered up or shall
hereafter be obtained or entered up in any of the Courts of Queen's
Bench, Common Pleas, or Exchequer at Westminster or Dublin re-
spectively, for any Debt, Damages, or Costs, on Production to the
Master of the Court of Common Pleas at Dublin where such Judgment
10 shall have been obtained or entered up in any of the said Courts in
England, or to the Senior Master of the Court of Common Pleas at
Westminster where such Judgment shall have been obtained or entered
up in any of the said Courts in Ireland, of a Memorial of such Judgment,
in the Form contained in the Schedule to this Act annexed,
15 marked No. 1, signed by the proper Officer of the Court where such
Judgment has been obtained or entered up, such Memorial shall be
- [Bill 239.] A 2 registered

Where
Judgment
has been
obtained in
the Courts
at West-
minster, a
Memorial of
such Judgment
may be
registered
in Ireland,
and vice
versa and
Execution
obtained
thereon.

registered by such Master in a Register to be kept in the Court of Common Pleas at Dublin and at Westminster respectively for that Purpose, and to be called in the Court of Common Pleas at Dublin "The Register for English Judgments," and to be called in the Court of Common Pleas at Westminster "The Register for Irish Judgments," and every Memorial so registered shall from the Date of such Registration be of the same Force, Charge, and Effect as a Judgment obtained or entered up in the Court in which it is so registered, and all Proceedings shall and may be had and taken on such Memorial, or by reason or in consequence thereof, as if the Judgment of which it is a Memorial had been a Judgment originally obtained or entered up on the Date of such Registration as aforesaid, in the Court in which it is so registered, and all the reasonable Costs and Charges attendant upon the obtaining and registering such Memorial shall be recovered in like Manner as if the same were Part of the Judgment of which it is a Memorial: Provided always, that in the Case of any Judgment obtained or entered up before the passing of this Act no Memorial thereof shall be registered as aforesaid unless Application shall have been first made to and Leave obtained from the Court or a Judge of the Court in which it is sought so to register such Memorial.

Where Judgment has been obtained in the Courts at Westminster or at Dublin, a Memorial of such Judgment may be registered in Scotland, and Execution obtained thereon.

II. Where Judgment shall have been obtained or entered up or shall hereafter be obtained or entered up in any of the Courts of Queen's Bench, Common Pleas, or Exchequer at Westminster or Dublin respectively, for any Debt, Damages, or Costs, on Production at the Office kept in Edinburgh for the Registration of Deeds, Bonds, Protests, and other Writs registered in the Books of Council and Session of a Memorial of such Judgment, in the Form contained in the Schedule to this Act annexed, marked No. 1, signed by the proper Officer of the Court where such Judgment has been obtained, such Memorial shall be registered in a Book to be kept for that Purpose, and to be called "The Register for English and Irish Judgments," in like Manner as a Bond executed according to the Law of Scotland, with a Clause of Registration for Execution therein contained; and every Memorial so registered shall from the Date of such Registration, be of the same Force, Charge, and Effect as a Decreet of the Court of Session, and all Proceedings shall and may be had and taken on such Memorial, or by reason or in consequence thereof, as if the Judgment of which it is a Memorial had been a Decreet originally pronounced in the Court of Session on the Date of such Registration as aforesaid, and all the reasonable Costs, Charges, and Expenses attendant upon the obtaining and registering such Memorial shall be recovered in like Manner as if the same were Part of the Judgment of which it is a Memorial: Provided always, that in the Case of any Judgment obtained

obtained or entered up before the passing of this Act no Memorial thereof shall be registered as aforesaid unless Application shall have been first made to and Leave obtained from one or other Division of the Court of Session or from the Lord Ordinary on the Bills.

- 5 III. No Memorial of any Judgment as aforesaid shall be issued by any Officer of the said Courts in England or Ireland without a Rule of Court or Judge's Order, or unless the Judge who tries the Cause in which such Judgment is obtained shall certify that such Memorial ought to issue.
- 10 IV. On Production to the Senior Master of the Court of Common Pleas at Westminster, or to the Master of the Court of Common Pleas at Dublin, of an Extract, in the Form contained in the Schedule to this Act annexed, marked No. 2, of any Decreet of the Court of Session in Scotland which shall have been obtained or shall hereafter
- 15 be obtained for the Payment of any Debt, Damages, or Expenses, signed by the Extractor of the Court of Session, or other Officer duly authorized to make and subscribe Extracts, or on Production of an Extract, in the Form contained in the Schedule to this Act annexed, marked No. 3, of any Decreet of Registration in the Books of Council and Session, signed by the Principal Keeper of the General Register
- 20 of Deeds, Bonds, Protests, and other Writs registered for Execution in the Books of Council and Session, or on Production of an Extract, in the Form contained in the Schedule to this Act annexed, marked No. 4, of any Decreet of any Sheriff Court in Scotland, not being a
- 25 Small Debt Court, which shall have been obtained or shall hereafter be obtained for the Payment of any Debt, Damages, or Expenses, signed by the Sheriff Clerk, or other Officer duly authorized to make and subscribe Extracts, such Extract shall be registered by such Master in a Register to be kept in the Court of Common Pleas at Westminster and Dublin respectively for that Purpose, and to be called "The Register for Scotch Judgments," and such Extract when so registered shall from the Date of such Registration be of the same Force, Charge, and Effect as a Judgment obtained or entered up in the Court in which it is so registered, and all Proceedings shall and may be had and taken
- 30 on such Extract or by reason or in consequence thereof as if the Decreet of which it is an Extract had been a Judgment originally obtained or entered up on the Date of such Registration as aforesaid in the Court in which it is so registered, and all the reasonable Costs, Charges, and Expenses attendant upon the obtaining and registering such Extract shall be recovered in like Manner as if the same were Part of the Decreet of which it is an Extract; Provided always, that in the Case of any Decreet obtained before the passing of this Act no Extract thereof shall be registered as aforesaid unless Application shall have

No Memorial of a Judgment to issue without Rule of Court or Judge's Order or Certificate.

Decrees of Court of Session or of Sheriff Courts and Decrees of Registration in the Books of Council and Session in Scotland may be registered in England or Ireland, and Execution obtained thereon.

been first made to and leave obtained from the Court, or a Judge of the Court in which it is sought so to register such Extract ; provided that where a Note of Suspension of any such Decreet shall have been passed or a Sist of Execution shall have been granted thereon by the said Court of Session or any Judge thereof, on the Production of a Certificate under the Hand of the Clerk to the Bill Chamber of the Court of Session of the passing of such Note or the granting of such Sist, to a Judge of the Court in which such Extract of such Decreet has been registered, Execution on such registered Extract shall be stayed until a Certificate be produced under the Hand of the said Clerk that such Sist has been recalled or has expired, or where the Note of Suspension has been passed, until there be produced an Extract, under the Hand of the Extractor of the Court of Session or other Officer duly authorized to make and subscribe Extracts, of a Decreet of the said Court repelling the Reasons of Suspension. 15

No Extract of Decreet to issue without Warrant of Court or Lord Ordinary.

V. No Extract of any Decreet as aforesaid shall be granted for the Purposes of this Act by any of the said Officers in Scotland, except under a Warrant of one or other of the Divisions of the Court of Session or of the Lord Ordinary on the Bills, to be obtained on summary Application. 20

Memorial or Extract to be produced for Registration within Thirty Days of Date thereof.

VI. No Memorial of any Judgment obtained or entered up after the passing of this Act, and no Extract of any Decreet obtained after the passing of this Act, shall be registered in any Court or Office, under the Provisions of this Act, unless produced for Registration as herein-before provided within Thirty Days after the Date of such Memorial or Extract, nor shall any such Extract of any Decreet be registered under the Provisions of this Act unless there be produced with it to the Registering Officer a certified Copy of the Interlocutor granting Warrant to extract the Decreet for the Purposes of this Act. 25

CLAUSE A. Courts at Westminster and Dublin to have same Control over registered Memorial and Extract as over Warrants of Attorney to confess Judgment.

VII. The Courts of Common Pleas at Westminster and at Dublin shall have and exercise the same Control and Jurisdiction over any Memorial of a Judgment or Extract of a Decreet registered under this Act in such Courts respectively as they now have and exercise over any Judgment entered up by Warrant of Attorney to confess Judgment. 35

CLAUSE B. In case of Bankruptcy or Insolvency, registered Memorial and Extract not to be of greater Effect than Warrant of Attorney to confess Judgment.

VIII. No Memorial of any Judgment or Extract of any Decreet registered under this Act in the Courts of Common Pleas at Westminster and at Dublin shall, in the event of the Bankruptcy or Insolvency of the Person against whom such Memorial or Extract has been registered, be of any greater Force or Effect than a Judgment entered up pursuant to a Warrant of Attorney to confess Judgment. 40

IX. Every

IX. Every Memorial of a Judgment or Extract of a Decreet registered under this Act shall be filed by the Registering Officer, and on the Amount due on such Judgment or Decreet being recovered Satisfaction or a Discharge may be entered by Endorsement on such
 5 Memorial or Extract, and a Memorandum of such Satisfaction or Discharge, and of the Date thereof, shall be made in the Book in which such Memorial or Extract has been registered, and a Certificate of such Satisfaction or Discharge so endorsed on any Memorial or Extract as aforesaid, signed by the Registering Officer, shall be
 10 Evidence of such Satisfaction or Discharge.

Memorial or Extract to be filed, and Satisfaction or Discharge may be endorsed thereon, and Certificate thereof to be Evidence.

X. All Registers for Judgments and DECREETS kept under this Act may be searched and viewed by all Persons at all reasonable Times, paying to the Officer for every Search the Sum of Sixpence, and no more.
 XI. It shall not be necessary for any Plaintiff in any of the
 15 aforesaid Courts in England, resident in Ireland or Scotland, or any Plaintiff in any of the aforesaid Courts in Ireland, resident in England or Scotland, to find Security for Costs in respect of such Residence, unless, on special Grounds, a Judge or the Court shall otherwise order, nor shall it be necessary for any Party to any Suit in any of the
 20 aforesaid Courts in Scotland, resident in England or Ireland, to sue by or sist a Mandatory, or otherwise to find Security for Expenses in respect of such Residence unless on special Grounds, the Court shall otherwise order.

Registers may be searched, and for each Search a Fee of Sixpence to be paid. Security for Costs, where Plaintiff resides in a different Part of the United Kingdom. abolished.

XII. In any Action brought in any Court in England, Scotland, or
 25 Ireland, on any Judgment or Decreet which might be registered under this Act in the Country in which such Action is brought, the Party bringing such Action shall not recover or be entitled to any Costs or Expenses of Suit unless the Court in which such Action shall be brought, or some Judge of the same Court, shall otherwise order.

Costs not to be allowed in Actions on Judgments unless by Order of Court.

XIII. If any Person shall forge the Signature of any Officer of any Court in England, Scotland, or Ireland to any Memorial of a Judgment, or to any Extract of a Decreet, or to any other Document required under this Act, or shall tender for Registration, or use or utter, any such Memorial, Extract, or Document, with a false
 35 or counterfeit Signature thereto, knowing the same to be forged, he shall be guilty of Felony, and in Scotland of a High Crime and Offence, and shall upon Conviction be liable to Transportation for Fourteen Years, or to Penal Servitude for any Term not exceeding Ten Years and not less than Four Years, or to Imprisonment
 40 for any Term not exceeding Three Years, with or without Hard Labour; and every Person who shall be charged with committing any such Felony or Crime and Offence may be dealt with, indicted,

Punishment of Forgery of Signature of Officer of Court.

tried, and, if convicted, sentenced, and his Offence may be laid and charged to have been committed in the Country or Place in which he shall be apprehended or be in Custody.

Judges to
make Rules
for Execu-
tion of this
Act.

XIV. It shall be lawful for the Judges of the Court of Queen's Bench, Common Pleas, and Exchequer at Westminster and Dublin 5 respectively, or any Eight or more of them respectively, of whom the Chiefs of the said Courts respectively shall be Three, and they are hereby required, from Time to Time to make all such General Rules and Orders to regulate the Practice to be observed in the Execution of this Act or in any Matter relating thereto, including the Scale of 10 Fees to be charged, in the Courts of Common Law in England and Ireland respectively, as in their Judgments shall be necessary and proper; and it shall be lawful for the Court of Session in Scotland, and the said Court is hereby required, from Time to Time to make such Acts of Sederunt to regulate the Practice to be observed in the 15 Execution of this Act or in any Matter relating thereto, including the Scale of Fees to be charged, in Scotland, as in its Judgment shall be necessary and proper: Provided always, that such Rules, Orders, and Acts of Sederunt respectively shall be laid before both Houses of Parliament within One Month from the making thereof, if Parliament 20 be then sitting, or if Parliament be not then sitting within One Month from the Commencement of the then next Session of Parliament.

Judges at
Westminster
and Dublin
to issue
altered Writs
of Execution
if necessary.

XV. Such altered Writs of Execution may be issued in the said Courts of Common Pleas at Westminster and Dublin respectively as may by the Judges of the said Courts respectively be deemed neces- 25 sary or expedient for giving Effect to the Provisions of this Act, and in such Forms as the Judges of such Courts respectively shall from Time to Time think fit to order; and any existing Writ of Execution, the Form of which shall be in any Manner altered in pursuance of this Act, shall nevertheless be of the same Force and Virtue as if no 30 Alteration had been made thereon.

Short Title
of Act.

XVI. In citing this Act in any Instrument, Document, or Proceeding it shall be sufficient to use the Expression "The Judgments Execution Act, 1856."

SCHEDULE.

No. 1.

JUDGMENTS EXECUTION ACT, 1856.

Memorial of Judgment.

On the _____ Day of _____ in the Year of our
 Lord _____ in the Court of Queen's Bench [Common-
 Pleas, or Exchequer of Pleas] at Westminster [*or at Dublin*], *A.B.*,
 by the Consideration and Judgment of¹ the said Court, recovered
 against *C.D.* the Sum of _____ which in and
 by the said Court was then and there adjudged to the said *A.B.*
 [*according to the Form of the Judgment*], whereof the
 said *C.D.* was convicted, which Judgment still remains in full
 Force, unrecovered and unsatisfied, and Execution may now be issued
 thereon.

Dated the _____ Day of _____ 18 .

[*Officer of Court's Signature, adding his
 official Designation.*]

No. 2.

JUDGMENTS EXECUTION ACT, 1856.

Court of Session Extract.

At Edinburgh, the _____ Day of _____ sitting in Judgment,
 the Lords of Council and Session decerned and ordained, and hereby
 decern and ordain _____ Defender to make
 Payment to _____ Pursuer of the Sum of
 _____ Sterling [*according to the Form of the Decree*], item
 of the lawful Interest of the said Sum from and since the
 Day of _____ till Payment, and of the Sum of _____
 of Expenses found due, and of the Sum of _____ Sterling
 further as the Expense of extracting this Decreet. Extracted by
 me _____ Extractor in the Court of Session at Edinburgh,
 the _____ Day of _____ .

[*Principal or Assistant Extractor or other Officer's Signature, adding
 his official Designation.*]

Judgments Execution, &c.

A

BILL

[AS AMENDED IN COMMITTEE]

To enable Execution to issue in any
Part of the United Kingdom under
Judgments or Decrets obtained in
certain Courts of Record in England,
Scotland, and Ireland

(Prepared and brought in by
Mr. Craufurd and Mr. Dunlop.)

Ordered, by The House of Commons, to be Printed,
10 July 1856.

[Bill 239.]

Under 20z.

2 May 1856. 19 VICT.



(Scotland.)

A

B I L L

TO

Amend and re-enact certain Provisions of an Act
of the Fifty-fourth Year of King George the
Third, relating to Judicial Procedure and
Securities for Debts in Scotland.

WHEREAS a Bill has been brought into Parliament, intituled Preamble.
“ A Bill to consolidate and amend the Laws of Scotland
“ regarding Insolvency and Bankruptcy,” by which it is
proposed to repeal the Act passed in the Fifty-fourth Year of the
5 Reign of His Majesty King George the Third, Chapter One hundred
and thirty-seven, and it is expedient that certain Provisions therein
contained relating to Judicial Procedure and Securities for Debts in
Scotland should be amended and re-enacted: Be it enacted by the
Queen’s most Excellent Majesty, by and with the Advice and Consent
10 of the Lords Spiritual and Temporal and Commons, in this present
Parliament assembled, and by the Authority of the same, as follows :

I. An Arrestment executed to attach the Effects of a Debtor, as in Effect of
the Hands of a Person out of Scotland, shall not be held to have Arrestments
interpelled such Person from paying to the original Creditor, unless executed as
15 Proof be made that he, or those having Authority to act for him, in the Hands
were previously in the Knowledge of such Arrestment having been of Persons
so used. out of Scot-
land.

[Bill 122.]

A

II. The

Court of
Session may
regulate Ju-
dicial Sales
of Estates.

II. The Court of Session shall have full Power to make Acts of Sederunt for abridging the Forms of Publication and Citation, and regulating the Proceedings in Processes of Sale, Ranking, and Division, whether at the Instance of Creditors or of apparent Heirs; and in every Case of a Sale under the Authority of the Court of Session it shall be lawful for the Purchaser, at any Term of Whitsunday or Martinmas subsequent to the Term of Payment of the Price, to lodge the Price, with the Interest due upon it, in any Joint Stock Bank of Issue in Scotland, at such Interest as can be procured for it, by doing which, and by giving Notice thereof to the Agent who carried on the Sale, he shall be discharged of the said Price; and further, the Court of Session, upon the Application of any of the Creditors, shall be empowered to make an Order on the Purchaser to lodge the Price and Interest, at any of the said Terms subsequent to the Term of Payment, in one or other of the said Banks, sufficient Intimation being always previously given, both to the Purchaser and to the common Agent for the Creditors, that such Application is made, in order that all Parties may have an Opportunity to object; and in all Cases of Judicial Sales the Lands or other Heritable Property may be brought to actual Sale, so soon as the necessary previous Steps are taken, whether the Ranking be concluded or not, unless the Court, upon Application of any Party concerned, shall find sufficient Cause to delay the Sale.

Sales may
precede
Ranking.

What Proof
of Insol-
vency neces-
sary for
Sales.

III. And whereas Doubts have arisen upon the Construction of an Act of the Parliament of Scotland passed in the Year One thousand six hundred and ninety, Chapter Twenty, intituled "Act anent the Sale of Bankrupt's Lands," in so far as it requires that the common Debtor be found bankrupt and utterly insolvent: Be it enacted, That a Judicial Sale at the Instance of Creditors may in all Cases proceed where the Interest of the Debts and the other annual Burdens exceed the yearly Income of the Property under Sale, or where a Sequestration shall have taken place, without other Proof of Bankruptcy or Insolvency.

Decree of
Sale to be
held as a Ge-
neral Decree
of Adjudica-
tion.

IV. When the Estate of a Debtor is brought into the Court of Session by Process of Judicial Sale and Ranking, the Decree of Sale to be pronounced by the Court shall be held as a General Decree of Adjudication in favour of every Creditor who shall afterwards be included in the Decree of Division; and the Effect of such General Decree shall be the same in all Competitions, or Questions of Ranking and Preference, as if it had been pronounced and extracted of the Date of the First Calling of the Process of Sale before the Lord Ordinary in the Outer House, and no separate Adjudication shall be allowed to proceed during the Dependence of a Judicial Sale, and the Court is hereby authorized to settle, by an Act or Acts of Sederunt, in

in what Manner and at what Period or Periods the Principal Sums and bygone Interests of the Debts shall be accumulated, so as to do equal Justice to all concerned: Provided that it shall be competent to any Creditor who is in a Situation to adjudge to carry on the Action
5 of Sale to its Conclusion, although deserted or abandoned by the original Pursuer.

V. And in order to lessen the Number of Adjudications for Debt, and the Expense to all Parties, and to facilitate the *pari passu* Preference of Creditors in similar Circumstances, be it enacted, That the
10 Lord Ordinary officiating in the Court of Session before whom the First Process of Adjudication against any Estate for Payment or Security of Debt is called shall ordain Intimation thereof to be made in the Minute Book and on the Wall, in order that any other Creditors of the common Debtor who at the next calling of the
15 Cause can show that, although they have not executed their Summonses of Adjudication, they are in other respects, by the Nature of the Grounds of Debt and Steps taken by them, in Condition to proceed in adjudging the common Debtor's Estate, may produce the Instructions of their Debts, with Summonses of Adjudication, libelled
20 and signetted, for the Purpose of their being conjoined in the Decree of Adjudication, *Twenty* Sederunt Days being allowed for such Intimation before the Cause can be called a Second Time; and if any of those Forms shall happen to be omitted, such Adjudication shall be null and void, without Prejudice to its being brought forward again
25 in more due Form, or still conjoined with any after Adjudication; and without Prejudice to the Validity and Order of ranking of posterior Adjudications according to the Rules of Law, when any after Process or Processes of Adjudication are brought into Court, the same shall be regulated, as to the Time and Manner of proceeding in them, by
30 an Act or Acts of Sederunt of the Court of Session, so as to provide, as far as Circumstances will admit, for the *pari passu* Preference of such posterior Adjudications with one another, and to abridge the Number and Expense of such Proceedings; and in all Cases where Penalties for Nonpayment, over and above Performance, are contained
35 in Bonds or other Obligations for Sums of Money, and are made the Subject of Adjudication, or of Demand in any other Shape, it shall be in the Power of the Court to modify and restrict such Penalties, so as not to exceed the real and necessary Expenses incurred in making the Debt effectual.

Different Creditors may be joined in One Adjudication.

40 VI. And in order to fix more clearly in Time coming what Diligence is necessary to make an Adjudication effectual, be it enacted, That the lodging of a Draft Charter and Note in the Office of the Presenter of Signatures, in Terms of the Act passed in the Tenth and Eleventh

Mode of rendering an Adjudication effectual.

Years of the Reign of Her present Majesty, Chapter Fifty-one, when the Holding is of the Crown, or the executing a Charge of Horning against Superiors, when the Holding is of a Subject, and recording a Copy of such Note and an Abstract of such Draft Charter, or such Charge, in the Register of Abbreviates of Adjudications, shall 5 be held in all Time coming as the proper Diligence for the Purpose aforesaid.

Securities
for Cash
Accounts or
Credits.

VII. It shall be lawful for any Person possessed of Lands or other Heritable Property, and desiring to pledge the same in Security of any Sums paid or Balances arising or which may arise upon Cash Accounts 10 or Credits, or by way of Relief to any Persons who may become bound with him for the Payment of such Sums or Balances, although paid or arising posterior to the Date of the Infestment, to grant Heritable Securities accordingly upon his Lands or other Heritable Property, containing Procuratory of Resignation and Precept of Sasine, 15 for infesting any Bank or Bankers or other Persons who shall agree to give such Cash Accounts or Credits, or for infesting such Persons as shall become Cautioners for him, or jointly bound with him in such Cash Accounts or Credits: Provided always, that the Principal and Interest which may become due upon such Cash Accounts or Credits 20 shall be limited to a certain definite Sum, to be specified in the Security, such definite Sum not exceeding the Amount of the Principal Sum, and *Three* Years Interest thereon at the Rate of *Five* Pounds per Centum: Provided also, that it shall be lawful for the Person to whom any such Cash Account or Credit is granted to operate upon the same 25 by drawing out and paying in such Sums from Time to Time as the Parties shall settle between themselves, and that the Sasines or Infestments taken upon such Heritable Securities shall be equally valid and effectual as if the whole Sums advanced upon such Cash Account or Credit had been paid prior to the Date of the Sasine or 30 Infestment taken thereon, and that any such Heritable Security shall remain and subsist to the Extent of the Sum limited, or any lesser Sum, until the Cash Account or Credit is finally closed, and the Balance paid up and discharged, and the Sasine or Infestment renounced.

Judicial Procedure, &c. (Scotland).

A

B I L L

To amend and re-enact certain Provisions
of an Act of the Fifty-fourth Year
of King George the Third, relating to
Judicial Procedure and Securities for
Debts in Scotland.

(Prepared and brought in by
The Lord Advocate and Sir George Grey.)

*Ordered, by The House of Commons, to be Printed,
2 May 1856.*

[Bill 122.]

Under 1 oz.

5 February 1856. 19 VICT.



(Ireland.)

A

B I L L

TO

Consolidate and amend the Laws relating to Juries in Ireland.

WHEREAS it is expedient to consolidate and amend the Preamble.
Laws relating to Juries in Ireland: Be it therefore
enacted by the Queen's most Excellent Majesty, by and
with the Advice and Consent of the Lords Spiritual and Temporal,
5 and Commons, in this present Parliament assembled, and by the
Authority of the same, That—

I. In the Construction and for the Purposes of this Act (if not Interpreta-
inconsistent with the Context or Subject Matter) the following tion.
Words shall have the respective Meanings herein-after assigned to
10 them; (that is to say,) Interpreta-

“County” shall include City, County of a City, and County of a
Town; “Court.” shall mean the Superior Courts at Dublin, and
all Courts of Assize, Nisi Prius, Oyer and Terminer and Gaol
Delivery, Courts of General Sessions of the Peace, Recorders
15 and Civil Bill Courts.

II. From and after the *Commencement of this Act*, the Sheriff or Sheriff not
other Officer of any County shall not in answer to any Precept for to return any
the Return of Jurors return the Name of any Person to serve as a Juror, save
Juror save pursuant to the Provisions of this Act. according to
this Act.

[Bill 19.]

A

III. Every

Age and
Qualification
of Jurors.
3 & 4 W. 4.
c. 91. s. 1.
6 G. 4.
c. 50. s. 1.

35 G. 3. c. 29.
37 G. 3. c. 47.
10 G. 4. c. 8.
13 & 14 Vict.
c. 69.

17 & 17 Vict.
c. 113. ss. 98.
101.

Qualification
of Jurors on
Writs of
Inquiry, &c.
3 & 4 W. 4.
c. 91. s. 40.

III. Every Man, except as herein-after excepted, between the Ages of *Twenty-one* Years and *Sixty* Years, residing in any County or Parliamentary Borough within any County in Ireland, who shall be, either in his own Name or as a Member of a Firm or Copartnership, rated for the Relief of the Poor in respect of Property within such 5 County or Borough of the yearly Value of *Twenty Pounds* or upwards, or whose Name shall appear in the List for the Time being of Parliamentary Voters for such County or Borough as a Freeholder, or Lessee or Assignee of a Lease of any Lands, Tenements, or Hereditaments of the yearly Value of *Twenty Pounds* or upwards, 10 shall be qualified as to Property, and liable to serve on Juries for the Trial of all Issues, Civil and Criminal, joined in any Court, such Issues being respectively triable in the County, Riding, District, or Division in which every Man so qualified with respect to Property shall reside, and shall also be qualified as to Property and liable to 15 serve on Grand Juries in the Courts of General Sessions of the Peace, and shall also be qualified and liable to serve upon every Inquest and on every Inquiry to be taken or made by or before any Sheriff or Coroner by virtue of any Writ of Inquiry or Statute, or by or before any Commissioner appointed under the Great Seal or the 20 Seal of the Court of Exchequer: Provided always, that as regards the County of the City of Dublin, in addition to the Persons herein-before declared to be qualified as to Property and liable to serve on Juries of such County of the City, every Man, except as herein-after excepted, between the Ages of *Twenty-one* Years and *Sixty* Years, who shall 25 have or occupy a Counting-house, Office, or Place of Business or Resort in such County of the City, and who shall be rated for the Relief of the Poor in respect of Property situate within *Seven* Statute Miles of the Queen's Courts in Dublin, and either separately or jointly with such Counting-house, Office, or Place of Business, 30 to the Amount aforesaid, shall be qualified in respect of Property and liable to serve on all such Juries as aforesaid for the County of the City of Dublin, and upon all Juries to be summoned to attend before the Master of any of the Superior Courts of Law, and every Person herein-before declared in any Manner qualified 35 as to Property and liable to serve on Juries for the said County of the City of Dublin shall for the Purposes of this Act be deemed to be resident therein, although such Person may not actually reside therein, provided that he reside within *Seven* Statute Miles of the 40 Queen's Courts in Dublin, the said Distance of *Seven* Statute Miles to be computed by the nearest public Roads or Way; and no Man shall be summoned or impannelled to serve as a Juror upon any Inquest or Inquiry to be taken or made by or before any Sheriff or Coroner by virtue of any Writ of Inquiry, or by or before any Com- 45 missioners appointed under the Great Seal or the Seal of the Court of

of Exchequer, who shall not be duly qualified according to this Act; provided also, that nothing herein contained shall extend to any Inquest of the Death of any Person to be taken by or before any Coroner by virtue of his Office, or before any Justices of the Peace, but that the Coroners and Justices in such Cases to which this Act doth not extend as aforesaid shall and may respectively take and make all Inquests and Inquiries by Jurors of the same Description as they have been used and accustomed to do before the passing of this Act.

Exceptions
for Coroners
Inquest.
9 & 10 Vict.
3. 37. s. 23.

- 10 IV. All Peers and Privy Councillors; all Judges of the Queen's Courts of Record in Dublin; all Clergymen in Holy Orders; all Persons who shall teach or preach in any Religious Congregation; all Serjeants and Barristers at Law, actually practising; all Assistant Barristers; all Judges of Ecclesiastical Courts; all Advocates in
15 Ecclesiastical Courts or in Courts of the Civil Law, actually practising; all Attorneys, Solicitors, and Proctors duly admitted in any Court of Law or Equity, or of Ecclesiastical or Admiralty Jurisdiction, in which Attorneys, Solicitors, and Proctors have usually been admitted, actually practising, and having duly taken out their annual Certificates;
20 all Officers of any such Courts, or of any Court of Criminal Jurisdiction, actually exercising the Duties of their respective Offices; all Public Notaries duly admitted; all Coroners, Gaolers, and Keepers of Houses of Correction; all Members and Licentiates of the King and Queen's College of Physicians in Ireland, actually practising, and all
25 other Physicians actually practising; all Surgeons, being Members of One of the Royal Colleges of Surgeons in London, Edinburgh, or Dublin, or of the University of Dublin, or of the Queen's University in Ireland, and actually practising; all Apothecaries certified by the Court of Examiners of the Governor and Company of the Apothe-
30 caries Hall of the City of Dublin, and actually practising; all Officers in Her Majesty's Navy or Army on Full Pay or serving in the Militia; all Officers of Customs and Excise; and all Masters of Vessels; and all Pilots licensed under any Act of Parliament or Charter for the Regulation of Pilots in any Port; all stipendiary or paid
35 Magistrates; all Officers of Police, Sheriffs Officers, Police Constables, and Parish Clerks, and Clerks of Petty Sessions; all Postmasters General and their Deputies, and all other Persons employed and acting in the Service of Her Majesty's Post Office; all Treasurers and Secretaries of Grand Juries; all Persons holding any Appointment in or con-
40 nected with the Constabulary or Police Forces in Ireland; all County Surveyors and their Assistants and Clerks; all Inspectors of Prisons in Ireland; and all Inspectors and Sub-Inspectors of Factories in Ireland; all Publicans and other Persons licensed to sell Spirits by Retail to be consumed on the Premises, shall be and are hereby

Exemptions
from serving
on Juries.
3 & 4 W. 4.
c. 91. s. 2.

2 & 3 Vict.
c. 75. s. 22.
6 & 7 W. 4.
c. 116. s. 44.
7 & 8 Vict.
c. 15. s. 2.

absolutely freed and exempted from being returned and from serving upon any Juries or Inquests whatsoever, and shall not be inserted in the Lists to be prepared by virtue of this Act as herein-after mentioned: Provided always, that nothing herein contained shall be construed to exempt Persons appointed Commissioners for taking Affidavits in any of the Superior Courts of Law or Equity from serving as Jurors if they are in other respects qualified; provided also, that all Persons exempted from serving upon Juries in any of the Courts aforesaid, by virtue of any Prescription, Charter, Grant, Writ, or particular Local Acts, shall continue to have and enjoy such Exemption in as ample a Manner as before the passing of this Act, and shall not be inserted in the Lists herein-after mentioned.

3 & 4 Vict. c. 108. s. 180. Town Clerk, &c. disqualified. V. Every Town Clerk of a Borough shall be exempt and disqualified from serving on any Jury summoned within such Borough, save and except the Juries summoned for an Assize or Gaol Delivery. 15

See 6 G. 4. c. 50. s. 48. 3 & 4 W. 4. c. 91. s. 38. VI. No Justice of the Peace shall be summoned or impannelled as a Juror to serve at any Sessions of the Peace for the Jurisdiction of which he is a Justice.

Aliens, Convicts, or Outlaws, &c. disqualified. 3 & 4 W. 4. c. 91. s. 3. 6 G. 4. c. 50. s. 3. VII. No Man, not being a natural-born Subject of the Queen, is or shall be qualified to serve on Juries or Inquests, except only in Cases herein-after expressly provided for; and no Man who hath been or shall be attainted of any Treason or Felony, or convicted of any Crime that is infamous, unless he shall obtain a free Pardon, nor any Man who is under Outlawry by virtue of any Criminal Process, nor any Man who shall have been convicted within *Seven* Years of any Offence against the Act passed in the Session of Parliament holden in the First and Second Years of the Reign of His late Majesty King William the Fourth, Chapter Forty-four, or of any Crimes resulting from illegal Combination, and who have undergone Punishment, is or shall be qualified to serve on Juries or Inquests in any Court or on any Occasion whatsoever. 25 30

Juries de medietate Linguae. 3 & 4 W. 4. c. 91. s. 37. 6 G. 4. c. 50. s. 47. VIII. Nothing herein contained shall extend or be construed to extend to deprive any Alien indicted or impeached of any Felony or Misdemeanor of the Right of being tried by a Jury de medietate Linguae, but that on the Prayer of every Alien so indicted or impeached the Sheriff or other proper Minister shall, by Command of the Court, return for *One Half* of the Jury a competent Number of Aliens, if so many there be in the Town or Place where the Trial is had, and if not then so many Aliens as shall be found in the same Town or Place, if any; and that no such Alien Juror shall be liable to 35 40

to be challenged for Want of Qualification required by this Act, but every such Alien may be challenged for any other Cause, in like Manner as if he were qualified by this Act.

- IX. Each and every Clerk of the Peace or Town Clerk in Ireland, or his Deputy, shall from Time to Time, as soon as the several and respective Lists of Parliamentary Voters shall have been duly revised and signed, and transmitted to such Clerk of the Peace or Town Clerk, by the Assistant Barrister, or the Person acting for him under the Provisions of the Act passed in the Thirteenth and Fourteenth Years of the Reign of Her present Majesty, Chapter Sixty-nine, in each and every Year make out a true and correct List, in alphabetical Order, of the Names of all Persons who shall appear on such respective revised Lists of Voters as Persons having Estates of Freehold, or as Lessees or Assignees of Leases in Lands, Tenements, or Hereditaments of the annual Value of not less than *Twenty Pounds*, and the Town Clerk making such List shall forthwith transmit the same to the Clerk of the Peace for the County, and each Clerk of a Union for the Relief of the Poor in Ireland wholly or in part within the Limits of any County shall (and he is hereby required so to do) from the Rate Books of his Union make out and transmit to the Clerk of the Peace of each County into which any Part of such Union extends, between the *First Day of October* and *First Day of November*, a List, in alphabetical Order, of every Man appearing therein to be qualified and liable to serve on Juries, pursuant to the Provisions of this Act, and such List shall be in the Form specified in Schedule (A.) to this Act annexed, and he shall deliver the same to such Clerk of the Peace on or before the *Sixth Day of November* in the said Year; and each of the said Clerks of the Peace, on or before the *First Day of December* in each Year, shall and he is hereby required to cause One general printed List to be made out from the said Lists so made by or furnished to him as aforesaid, of all the Persons in the said several Lists contained, and which List when so made shall be called "The General List of Jurors," and shall be according to the Form (2.) in Schedule (A.) to this Act annexed, and shall contain in proper Columns the Christian Name and Surname written at full Length, the true Place of Abode, the Title, Quality, Calling, or Business, annual Value of Freehold or Leasehold, or Amount of Rating, and the Townland or Denomination, Street, Lane, and the Place where the Property is situated, or Name of the Property in respect of which such Person has been rated to the Relief of the Poor; and such List shall at the Foot of each Page thereof, and also at the Foot thereof, be signed by the Clerk of the Peace or his Deputy, under his Hand; and which "List" shall be kept among the Records of the County; and such Clerk of the Peace or his Deputy shall allow such List to

"General List of Jurors and Jurors Books," from which Jurors for Trials, Civil and Criminal, are to be selected. Vide Report of Committee on Crime and Outrage in Ireland. 13 & 14 Vict. c. 69. ss. 17. 63. 64.

Clerk of the Peace to prepare General Lists.

See 8 & 9
Vict. c. 67.
s. 3.

See 3 & 4
W. 4. c. 91.
s. 11.
6 G. 4. c. 50.
s. 12.

General List
of Jurors to
be copied
into a Book
to be called
"The Jurors
Book," to be
delivered to
the Sheriff.

"Jurors
Book of
the County
of Dublin
and County
of the City
of Dublin."

"Special
Jury List"
and "Special
Jurors
Book."
See 3 & 4 W. 4.
c. 91. s. 24.

be inspected at all reasonable Times in his Office, without Fee or Reward; and the Clerk of the Peace as aforesaid, or his Deputy, shall cause such "General List of Jurors" to be truly and fairly copied, in the same Order in which the Names shall be arranged in the said "General List," in a Book to be by him provided for that Purpose at the Expense of the County, and shall on or before the *Eighteenth Day of December* in each Year deliver the same Book to the Sheriff of the County, or his Under Sheriff, duly certified by such Clerk of the Peace, which Book shall be called "The Jurors Book" for the Year (inserting the current Year for which such Book is to be in use), and every Sheriff on quitting his Office shall deliver the same to the succeeding Sheriff; and every "Jurors Book" so prepared shall be brought into use on the *First Day of February* after it shall have been so delivered by the Clerk of the Peace or his Deputy to the Sheriff or his Under Sheriff, and shall be used for *One Year* then next following: Provided always, that the "Jurors Book" of the County of Dublin and County of the City of Dublin respectively shall be brought into use on the *First Day of January* after such Book shall have been so delivered to the Sheriff of the County of Dublin and Sheriff of the City of Dublin respectively.

X. Each and every Clerk of the Peace or his Deputy shall, as soon as he has made out in manner and form aforesaid the said "General List of Jurors," make out a List, in alphabetical Order, of the Names of every Person who shall appear in such "General List of Jurors" either as having Freeholds of the annual Value of not less than *Fifty Pounds*, or as being himself, or as a Member of a Firm or Copartnership, rated to the Relief of the Poor in respect of Lands, Tenements, and Hereditaments within the County, or in the Case of the County of the City of Dublin, within *Seven Statute Miles* of the Queen's Courts therein, of the net annual Value of not less than *Sixty Pounds*, and shall prefix to every Name in such List its proper Number, and which List when so made out shall be called "The General List of Special Jurors," and shall be according to the Form in Schedule (B.) to this Act annexed, and shall contain in proper Columns the Christian Name and Surname, written at full Length, the true Place of Abode, the Title, Quality, Calling or Business, Value of Freehold, or Amount of Rating, and the Townland or Denomination, Street, Lane, and Place where the Property is situated, and such "List" shall at the Foot thereof be signed by the Clerk of the Peace or his Deputy, under his Hand, and which "List" shall be kept amongst the Records of the County, to be inspected, and the Clerk of the Peace shall cause such "General List of Special Jurors" to be duly and fairly copied into a Book to be by him provided for that

that Purpose at the Expense of the County, and shall on or before the *Eighteenth Day of December* in each Year deliver the same to the Sheriff of the County or his Under Sheriff, duly certified by such Clerk of the Peace, Town Clerk, or his Deputy, which Book shall be
 5 called "The Special Jurors Book" for the Year
 (inserting the Year for which it is to be used), and every Sheriff on quitting his Office shall deliver the same to the succeeding Sheriff; and every "Special Jurors Book" so prepared shall be brought into use on the *First Day of February* after it shall be so
 10 delivered by the Clerk of the Peace to the Sheriff or his Under Sheriff, and shall be used for *One Year* then next following: Provided always, that the "Special Jurors Book" of the County of Dublin and County of the City of Dublin respectively shall be brought into use on the *First Day of January* after such Book shall have been so
 15 delivered to the Sheriff of the County of Dublin and County of the City of Dublin respectively.

XI. Provided always, That if the said "General List of Jurors," "Jurors Book," "General List of Special Jurors," or "Special Jurors Book" shall be found to contain any Name which shall not be, or to
 20 omit any Name which shall be, entitled under this Act to appear therein, it shall be lawful for Her Majesty's Court of Queen's Bench in Dublin, or any Judge of the said Court, or for the Assistant Barrister of any County for which such Lists shall have been so formed, upon Complaint thereof made to the said Court or Judge or
 25 Assistant Barrister, to order the said Sheriff or Under Sheriff and the Clerk of the Peace or Town Clerk or Clerk of Union respectively to produce the said Documents or any other Documents (according to the Nature of the Complaint) to the said Court or Judge, and if upon Inspection any such Error shall be found in the said "General
 30 List of Jurors," "General List of Special Jurors," or Jurors Book," or "Special Jurors Book," the said Court or Judge shall order the same to be amended, and such Amendment shall be forthwith made and signed by the said Sheriff or Under Sheriff and Clerk of the Peace, in the Presence of the said Court or Judge.

The Court of Queen's Bench or any Judge thereof or Assistant Barrister empowered to correct the said Lists and Books. See 8 & 9 Vict. c. 67. s. 4.

XII. It shall be lawful for any Person whose Name shall have been inserted in any Jurors Book formed under the Provisions of this Act, being then above the Age of *Sixty Years*, or otherwise exempted from serving on Juries under the Provisions of this Act, to apply to Her Majesty's Court of Queen's Bench in Dublin, or any Judge of the said
 40 Court, or to the Court of the Assistant Barrister or Recorder for the County for which such Jurors Book shall have been so formed, next after the same shall have been so formed, that such Person's Name

Persons over Sixty Years may apply to have their Names struck out.

may be removed from such Jurors Book, on the Ground that such Person was above *Sixty* Years of Age, or otherwise entitled to Exemption, when his Name was so inserted therein; and if the said Court or Judge shall, on the Oath or Affidavit of such Person, or otherwise, be satisfied that such Person was above *Sixty* Years of Age, 5 or otherwise entitled to Exemption, at the Time when his Name was so inserted in such Jurors Book, it shall be lawful for such Court to make an Order in Writing directing the Sheriff of such County to expunge such Person's Name from such Jurors Book, and such Sheriff shall expunge the same accordingly: Provided also, that so 10 long as such Person's Name shall be and remain in such Jurors Book, and such Book shall be in force, the Fact of his being above the Age of *Sixty* Years, or otherwise entitled to Exemption, shall not be deemed a legal Ground for such Person claiming Exemption or being exempt from serving on any Jury, and shall not be a legal Ground of 15 Objection, by Challenge or otherwise, to such Person's serving on any Jury.

GrandJuries
empowered
to present
the Expenses
of Lists and
Jurors Books.
See
8 & 9 Vict.
c. 57. s. 6.

XIII. It shall and may be lawful for the Grand Jury of each County, and for every Town Council empowered to make Presentments, as the Case may be, from Time to Time, at the next ensuing 20 Assizes or Presenting Term, and they are hereby required, without previous Application at Presentment Sessions or otherwise, to present such Sum of Money as they shall deem reasonable for defraying the Expense of making all such Lists and Books as are hereby directed to be made. 25

Judges of
Assizes,
Chairman of
Sessions, and
Recorders to
issue their
Precept to
the Sheriff
to summon
Jurors.
See 16 & 17
Vict. c. 113.
s. 109.

XIV. The Judges of Assize, Judges under a Commission of Oyer and Terminer, Assistant Barristers, Chairmen of the General Sessions of the Peace, and Recorders, other than the Recorder of Dublin, shall issue a Precept to the respective Sheriffs requiring them to summon for the Trial of all Issues, whether Civil or Criminal, which may 30 come on for Trial, at the Assizes or General Sessions of the Peace or other Sittings, a sufficient Number of the most competent Persons named in the "Jurors Book" so to be delivered by the Clerk of the Peace, selecting, so far as may be practicable, the Names of such Jurors as shall not have been summoned, and attended as such at the 35 last preceding Assizes, Sessions, or other Sittings; and all such Jurors shall thereupon be summoned in manner herein-after mentioned to form One Panel, and to serve indiscriminately on the Criminal and Civil Side; and a printed Panel of the Jurors summoned shall, *Seven* Days before the Commission Day and First Day of such General 40 Sessions or Sittings (as the Case may be), be made by the Sheriff, and kept in the Office of the Sheriffs, and of the respective Returning Officers

See 6 G. 4.
c. 50. s. 22.

Officers in Dublin, for Inspection; and a printed Copy of such Panel shall be delivered by the Sheriff or Under Sheriff to the Party requiring the same, on Payment of a Fee of *One Shilling*; and such printed Panel shall, in Civil Cases in the Superior Courts, be annexed to the Abstract of the Record for *Nisi Prius*.

16 & 17 Vict.
c. 113. s. 110.

See 16 & 17
Vict. c. 113.
s. 110.

XV. The Sheriffs of the County of Dublin and County of the City of Dublin respectively shall, pursuant to a Precept under the Hand of a Judge of any of the Superior Courts of Common Law, and, when required for the Recorder's Court, under the Hand of the Recorder of the City of Dublin, and without any other Authority, summon a sufficient Number of the most competent Persons named in the Jurors Book for the County of Dublin and the said County of the City of Dublin respectively, at least *Seven Days* before they shall be required, to attend for the Trial of all Issues, Civil and Criminal, to be tried in the Superior Courts of Common Law and the Consolidated *Nisi Prius*, or in the Court of Commission, Oyer and Terminer, and Recorders Courts of the City of Dublin; and the said Jurors for the Trial of County Cases in the said several Courts shall be taken from the "*Jurors Book*," as herein-before mentioned, and so delivered by the Clerk of the Peace of the County of Dublin, and the said Jurors for the Trial of all City Cases shall be taken from the said "*Jurors Book*" as herein-before mentioned, and so delivered by the Clerk of the Peace of the City of Dublin; and the Names of the said Jurors shall be selected from the said respective "*Jurors Book*" by the said respective Sheriffs, who shall, so far as may be practicable, having regard to their Competency, return the Names of such Jurors as shall not have been summoned and attended at the last preceding Sittings, Commission, or Sessions; and all such Jurors shall be summoned in the Manner herein-after mentioned; and a printed Panel of the Jurors summoned shall, *Seven Days* before the Day fixed for their Attendance for the Trial of the said Issues in the said several Courts, be made by the said respective Sheriffs of the County of Dublin and County of the City of Dublin, and kept in the Office of the said Sheriffs respectively, for Inspection; and a printed Copy of such Panel shall be delivered to the Party requiring the same, on Payment of a Sum of *One Shilling*; and such printed Panel shall in Civil Cases in the said Superior Courts be annexed to the Abstract for *Nisi Prius*; and the said Precept shall and may be in like Form as the Precept issued by the Judges of Assize, and One thereof shall suffice for each Term or Sittings after, or Commission of Oyer and Terminer, in such County or County of the City of Dublin, or Recorder's Court, and for all the Superior Courts of Common Law.

Sheriff of the
County and
City of
Dublin to
summon a
sufficient
Number of
Jurors Seven
Days before
their Atten-
dance is re-
quired.
See

16 & 17 Vict.
c. 113. s. 111.

Sheriff to
procure
Precept,
See 16 & 17
Vict. c. 113.
s. 111.

XVI. It shall be the Duty of all Sheriffs to apply for and procure such Precepts to be issued in sufficient Time to enable them to summon the Jurors in manner aforesaid; and it shall be lawful for the said several Courts or any Judge thereof at any Time to issue such Precept or Precepts to summon Jurors for disposing of the 5 Business pending in such Courts, and to direct the Time and the Place for which such Jurors shall be summoned, and all such other Matters as to such Judge shall seem requisite.

Precept to
summon
Special
Jurors in
Counties, &c.
See 16 & 17
Vict. c. 113.
s. 112.

XVII. Every Precept issued for a Special Jury shall direct the Sheriff to summon a sufficient Number of Special Jurymen, to be mentioned 10 therein, not exceeding in Country Cases *Forty-eight* in all, to try the Special Jury Causes at the Assizes or in the several Superior Courts of Common Law in Dublin respectively; and the Persons summoned in pursuance of such Precept shall be the Jury for trying the Special Jury Cases at the Assizes or After-sittings respectively, subject to 15 such Right of Challenge as the Parties are now by Law entitled to in the like Cases, and subject to the like Liability as to the Payment of the Costs of obtaining such Special Jury; and a printed Panel of the Special Jurors so summoned shall be made, kept, delivered, and annexed to the Abstract of Nisi Prius, in like Time and Manner and 20 upon the same Terms as herein-before provided with reference to the Pannel of Common Jurors; and upon the Trial the Special Jury shall be balloted for and called in the Order in which they shall be drawn from the Box, in the same Manner as Common Jurors; provided that the Court or a Judge, in such Case as they or he may think fit, may 25 order that a Special Jury be struck in the Manner herein-after mentioned; (that is to say,) within Days after the Rule of the Court or Judge directing such Special Jury to be struck shall have been served on the Sheriff or Under Sheriff, such Sheriff or Under Sheriff shall deliver to the Officer of the Court by which such Order shall 30 have been made a correct Court Copy of the "Special Jurors Book," as furnished by the Clerk of the Peace, with a Number prefixed to every Name in such Book; and the said Officer, at the Time and Place appointed by him for that Purpose, shall cause the said several Numbers to be written on distinct Pieces of Parchment or Cards, and 35 shall, in the Presence of all Parties, in any of the Cases aforesaid, and of their Attorneys, if they respectively choose to attend, or if the said Parties or their Attorneys, all or any of them, do not attend, then in their Absence, put all the said Numbers into a Box, to be by him provided for that Purpose, and after having shaken 40 them together shall draw out of the said Box *Twenty-four* of the said Numbers, one after another, and shall, as each Number is drawn, refer to the corresponding Number in the said Copy of such "Special Jurors Book,"

Striking
Special
Juries.
See 3 & 4
W. 4. c. 91.
s. 25.

Book," and read aloud the Name designated by such Number; and if at the Time of so reading any Name either Party or his Attorney shall object that the Person whose Name shall have been so referred to is in any Manner incapacitated from serving on the same Jury, or
5 otherwise legally objectionable, and shall also then and there prove the same to the Satisfaction of the said Officer, such Name shall be set aside, and the said Officer shall instead thereof draw out of the said Box another Number, and shall in like Manner refer to the corresponding Number in the said Copy of such "Special Jurors Book," and read
10 aloud the Name designated thereby, which Name may be in like Manner set aside, and other Numbers and Names shall in every such Case be resorted to, according to the Mode of proceeding herein-before described, for the Purpose of supplying Names in the Places of those set aside, until the whole Number of *Twenty-four* Names not liable
15 to be set aside shall be completed; and if in any Case it shall so happen that the whole Number of *Twenty-four* Names cannot be obtained from the "Special Jurors Book," then and in that Case the said Officer shall fairly and indifferently take, according to the Mode of Nomination heretofore pursued in nominating Special Juries, such
20 a Number of Names from the "General Jurors Book," which such Sheriff is hereby required to produce, if called upon to do so, by such Officer, as shall be necessary to make up the full Number of *Twenty-four* Names, all and every of which *Twenty-four* Names shall in such Case be equally deemed and taken to be those of Special Jurors; and
25 the said Officer shall afterwards make out for each Party a List of the *Twenty-four* Names in the Order in which they shall have been drawn as aforesaid, together with their respective Places of Abode and Additions; and all other Matters whatsoever relating to Special Juries shall remain and continue in force as heretofore, except where the
30 same or any Part thereof are expressly altered in this Act.

XVIII. No Jury Process shall be necessary or used in any Action, but the Precept issued to the Sheriff to summon Jurors shall direct that the Jurors be summoned for the Trial of all Issues, whether Civil or Criminal, which may come on for Trial at the Courts, and the
35 said Jurors shall be thereupon summoned, in manner herein-after mentioned; and every Summons requiring the Attendance of any Jurymen, Common or Special, shall be duly and properly filled and signed by the Sheriff or Under Sheriff, previous to such Summons being delivered to the Bailiff or other Officer of the said Sheriff or Under
40 Sheriff, for Service thereof.

Precept to
summon
Jurors.
See 16 & 17
Vict. c. 113.
s. 109.

Summons of
Jurors to be
signed by the
Sheriffs.

XIX. It is and shall be lawful for Her Majesty's Courts of Queen's Bench, Common Pleas, and Exchequer in Ireland respectively, upon Motion made on behalf of the Queen, or upon the Motion of any

Superior
Courts to
have the
Power of

ordering
Special
Juries to be
struck.
3 & 4 W. 4.
c. 91. s. 23.

See 16 & 17
Vict. c. 113.
s. 113.

Prosecutor, Relator, or Traverser, in any Criminal Case or on any Penal Statute (except only Indictments for Treason or Felony), depending in any of the said Courts, and the said Courts and Judges respectively are hereby authorized and required, in any of the Cases before mentioned, to order and appoint a Special Jury to be struck 5 before the proper Officer of each respective Court, for the Trial of any Issue joined in any of the said Cases, and triable by a Jury, in such Manner as herein directed for the striking of Special Juries, and every Jury so struck shall be the Jury returned for the Trial of such Issue; and the Plaintiff in any Action (except for the Replevin of 10 Goods, and the Plaintiff or Defendant who shall serve Notice of Trial in an Action for Replevin of Goods,) shall be entitled to have the Cause tried by a Special Jury, upon giving Notice in Writing to the Defendant, at such Time as would be necessary for a Notice of Trial, of his Intention that the Cause shall be so tried; and the Plaintiff or 15 Defendant who shall not be the Party who has served Notice of Trial in an Action for the Replevin of Goods, and the Defendants in all other Cases, shall be so entitled, on giving the like Notice, within *Six* Days before the First Day of the After-sittings or Assizes respectively; provided that the Court or Judge may at any Time order that a 20 Cause shall be tried by a Special Jury, upon such Terms as they or he shall think fit.

Costs of
Special
Juries.
See 3 & 4
W. 4. c. 91.
s. 27.

XX. The Person or Party who shall apply for a Special Jury shall pay the Fees (if any) for striking such Jury, and all the Expenses occasioned by the Trial of the Cause by Special Jury, and shall not 25 have any further or other Allowance for the same upon Taxation of Costs than such Person or Party would be entitled unto in case the Cause had been tried by a Common Jury, unless the Judge before whom the Cause is tried shall immediately after the Trial certify under his Hand upon the Back of the Record that the same was a Cause 30 proper to be tried by a Special Jury.

See 16 & 17
Vict. c. 113.
s. 114.
Remedy
where Notice
of Special
Jury is given
for Delay.

XXI. When the Defendant in any Case, not being for Replevin of Goods, or Plaintiff or Defendant in any Action for the Replevin of Goods, not being the Party who shall have served Notice of Trial, gives Notice of his Intention to try the Cause by a Special Jury, 35 the Court or a Judge, if satisfied that such Notice is for the Purpose of Delay, may order that the Cause be tried by a Common Jury, or make such other Order as to the Trial of the Cause as such Court or Judge shall think fit.

Notice to
Sheriff of
Trial by
Special Jury.

XXII. Where Notice has been given to try by Special Jury, either 40 Party may, *Six* Days before the First Day of the Sittings in Dublin or Commission Day of the Assizes, or Court of Oyer and Terminer and Gaol

Gaol Delivery, give Notice to the Sheriff that the Cause, whether Civil or Criminal, is to be tried by a Special Jury; and in case no such Notice be given, or the Notice has not been given in sufficient Time, no Special Jury need be summoned or attend, and the Cause may be tried by a Common Jury, unless otherwise ordered by the Court or a Judge.

See 16 & 17
Vict. c. 113.
s. 115.

XXIII. A Writ or Clause of View shall not be necessary or used; but whether the View is to be had by a Common or Special Jury, it shall be sufficient to obtain a Rule of the Court or a Judge's Order directing a View to be had, and directing the Sheriff to have Six or more of the Jurors named in the Panel chosen by Consent, or, if the Parties cannot agree, nominated by the proper Officer of the Court, at the Place in question, some convenient Time before the Trial; and the Viewers shall have the Place shown to them by Two Persons to be named in the Order, and to be appointed by the Court or Judge; and the Sheriff, on Request, shall deliver to either Party the Names of the Viewers, and shall also return their Names to the Registrar or other Officer of the Court, for the Purpose of their being called as Jurymen upon the Trial.

View Jurors.
See 3 & 4
W. 4. c. 91.
ss. 16 and 17.
16 & 17 Vict.
c. 113. s. 116.

XXIV. The Sheriff shall not in any Answer to any Precept for the Return of Jurors return the Names of any Persons not contained in the "Jurors Book" or "Special Jurors Book" for the Year then current; and where a Precept for returning a Jury shall be directed to any Coroner, Elizor, or other Minister, he shall have free Access to the "Jurors Books" and "Special Jurors Book" for the current Year, and shall not return the Names of any Persons not contained in the said "Jurors Books:" Provided always, that if there be no "Jurors Book" or "Special Jurors Book" in existence for the current Year, it shall be lawful to return Jurors from the "Jurors Book" or "Special Jurors Book" for the Year last preceding for which there shall have been a "Jurors Book" duly made; and if it shall happen that any Person not in the "Jurors Book" shall be returned, and any Trial shall proceed, and a Verdict be found, without any Objection to any such Person as a Juror, such Trial shall not be deemed a Mis-Trial, nor shall the Verdict thereon be impeached or questioned on account of the Return of such Juror.

Sheriff not
to return any
Names not
in the
"Jurors
Book," &c.

XXV. The Summons of every Man to serve on Juries, Common or Special, in any of the Courts aforesaid, shall be made by the proper Officer Five Days at the least before the Day on which the Juror is to attend, by showing to the Man to be summoned, or, in case he shall be absent from the usual Place of his Abode, by leaving with some Person there inhabiting, a Copy under the Hand of the

Jurors
Summons
and Books
of Service.
See 3 & 4
W. 4. c. 91.
s. 18.

Sheriff, Sub-Sheriff, or other proper Officer, of such Summons; and a Book or Books shall be kept by every such proper Officer in which shall be entered the Names of every Person so to be summoned, the Day on which such Summons shall be received to be served, the Day on which the same shall be served, and the Name or Description of 5 the Person on or with whom such Summons shall be served or left, and in case any such Summons shall not have been duly served or left, then the Cause of Service of such Summons not having been effected shall be stated; and such Officer shall attend, and produce such Book to the Court at the Sitting thereof, and verify the same 10 upon Oath, or shall cause such Book to be produced to the Court, in case of the unavoidable Absence of such Officer and in case of the Death, Illness, or such Absence as aforesaid of such Officer, the Book of such Officer, kept by him as aforesaid, verified on Oath as to his Handwriting by some credible Person, shall be produced to the 15 Court, and shall then be prima facie Evidence of the Truth of the several Matters entered therein as aforesaid; and if any such Officer shall neglect to keep such Book, or to make such Entries therein as aforesaid, or to attend the Court, or to produce or verify when called on, or to cause to be produced, the said Book, as herein-before provided, 20 every Person so offending may be fined by the Court to any Amount not exceeding *Ten Pounds* for every such Omission or Neglect.

Penalty on
defaulting
Jurors.
3 & 4 W. 4.
c. 91. s. 32.

XXVI. If any Man, having been duly summoned to attend on any kind of Jury in any of the Courts in this Act mentioned, shall not 25 attend in pursuance of such Summons, or being thrice called shall not answer to his Name, or if any such Man, or any Talesman, after having been called, shall be present but not appear, or after his Appearance shall wilfully withdraw himself from the Presence of the Court, the Court shall set such Fine not exceeding the Sum of *Fifty* 30 *Pounds* upon every such Man or Talesman so making default (unless some reasonable Excuse shall be proved by Oath or Affidavit) as to the Court shall seem meet: Provided always, that where any Viewer, having been duly summoned to attend on any Jury, shall make default as aforesaid, the Court is hereby authorized and required to 35 set upon such Viewer (unless some reasonable Excuse shall be proved as aforesaid) a Fine to the Amount of *Ten Pounds* at the least, and as much more as the Court under the Circumstances of the particular Case shall think proper.

Names of
Jurors to be
balloted for.
See 3 & 4
W. 4. c. 91.
s. 19.

XXVII. The Name of each Man who shall be impannelled to try 40 any Issues, Civil or Criminal, in any of the Courts, with the Place of his Abode and Addition, shall be written on a distinct Piece of Parchment or Card, all as nearly as may be of an equal Size, and shall be delivered

delivered unto the Clerk or Registrar of the Judge who is to try the Cause by the Sheriff or Under Sheriff, or other Officer returning the Process, and shall, by Direction and Care of such Clerk or Registrar, be put together in a Box to be provided for that Purpose; and when
5 any Issue, Civil or Criminal, shall be brought on to be tried, such Clerk or Registrar shall in open Court draw out *Twelve* of the said Parchments or Cards, one after another, after having shaken them together, or in Civil Cases, where any View shall have been directed and had as aforesaid, so many as, together with the Viewers who shall
10 appear and shall be sworn, shall be sufficient to make up the Number of *Twelve*, and if any of the Men whose Names shall be so drawn shall not appear, or shall be challenged and set aside, then such further Number, until *Twelve* Men, or such other Number as, together with such Viewers so appearing and sworn as aforesaid,
15 shall make up the Number of *Twelve*, be drawn, who shall appear, and who, after all just Causes of Challenge allowed, shall remain as fair and indifferent; and the said *Twelve* Men, their Names being marked in the Panel, and they being sworn, shall be the Jury to try the Issue; and the Names of the Men so drawn and sworn shall be
20 kept apart by themselves until such Jury shall have given in their Verdict, and the same shall be recorded, or until such Jury shall, by Consent of the Parties, or by Leave of the Court, be discharged, and then the same Names shall be returned to the Box, there to be kept with the other Names remaining at that Time undrawn, and so
25 toties quoties as long as any Issue remains to be tried: Provided always, that if any Issue be brought on to be tried in any of the said Courts before the Jury in any other Issue shall have brought in their Verdict or been discharged, it shall be lawful for the Court to order *Twelve* of the Residue of the said Parchments or Cards not containing
30 the Names of any of the Jurors who shall not have so brought in their Verdict or been discharged to be drawn in such Manner as aforesaid for the Trial of the Issue which shall be so brought on to be tried; and in all Cases of Indictment for any Treason or Felony the Clerk or Registrar shall draw out of the Box *Fifty-two* of such
35 Parchments or Cards, or if any of the Men whose Names shall be so drawn shall not appear, or shall be challenged for a Cause, then such further Number until *Fifty-two* be drawn who shall appear, and who, after all just Causes of Challenge allowed, shall remain as fair and indifferent, and thereupon the Names of such
40 Jurors shall be called over a Second Time in the Order in which they were drawn from such Box; and the Person so indicted for such Treason or Felony shall be admitted to challenge peremptorily *Twenty* of such Jurors, and no more, and those who prosecute for the Crown shall be admitted to challenge peremptorily *Twenty* of such Jurors,
45 and no more; and every Person not so challenged shall be sworn on

such Jury until *Twelve* have been sworn, who shall be the Jury to try such Cause; and in all such Cases of Treason or Felony the Right heretofore claimed and exercised by those that prosecute for the Crown, of ordering Jurors to stand by until the Panel shall be gone through, shall not henceforth be admitted: Provided that in any Case of Treason or Felony, where more than One Person charged with the same Offence shall be put upon Trial together, and shall not consent to join in their Challenges, then the Clerk or Registrar shall in every such Case draw out of the Box a sufficient Number of such Parchments or Cards to permit each of such Parties so indicted 10 to exercise his Right of peremptory Challenge to the Number of Twenty, and those who prosecute for the Crown to a like Number, as and for each of such Persons; provided also, that, when both Parties shall consent thereto, it shall be lawful for the Court to try any Issue, Civil or Criminal, with the same Jury that shall have previously tried 15 or been drawn to try any other Issue, without their Names being returned to the Box and redrawn, or to order the Name or Names of any Man or Men on such Jury whom both Parties may consent to withdraw, or who may justly be challenged or excused by the Court, to be set aside, and another Name or other Names to be 20 drawn from the Box, and to try the Issue with the Residue of such original Jury, and with such Man or Men whose Name or Names shall be so drawn, and who shall appear and be approved as indifferent, and so toties quoties as long as any Issue remains to be tried.

Want of
Qualification
Ground of
Challenge.
See 3 & 4
W. 4. c. 91.
ss. 20, 21.
No Challenge
for Want of
a Knight.

XXVIII. If any Man shall be returned as a Juror for the Trial of 25 any Issue, Criminal or Civil, in any of the Courts, who shall not be qualified according to this Act, the Want of such Qualification shall be a good Cause of Challenge, and he shall be discharged upon such Challenge, if the Court shall be satisfied of the Facts: Provided always, that no Challenge shall be taken to any Panel of Jurors for 30 Want of a Knight being returned on such Panel, nor any Array quashed by reason of any such Challenge, any Law, Custom, or Usage to the contrary notwithstanding.

Courts may
direct Tales.
See 3 & 4
W. 4. c. 91.
s. 28.

XXIX. Where a full Jury shall not appear before any Court in any Criminal Prosecution properly triable in such Court, or in 35 any Suit or Action, or where, after Appearance of a full Jury, by Challenge of any of the Parties the Issue is likely to remain untaken for Default of Jurors, every such Court, upon Request made for the Queen by any One thereto authorized or assigned by the Court in Cases of such Criminal Prosecutions as aforesaid, or on Request made 40 by the Parties, Plaintiff or Defendant, or their respective Attorneys, in any Action or Suit, shall command the Sheriff or other Officer to whom the making of the Return shall belong to name and appoint, as often

as

as Need shall require, *Twelve* other able Men of the County then present, and the Sheriff or other Officer aforesaid shall at such Command of the Court return *Twelve* such Men duly qualified, who shall be present, or can be found to serve on such Jury, and shall add and annex their Names to the former Panel: Provided that where a Special Jury shall have been struck for the Trial of any Issue the Talesman shall be such as shall be impannelled upon the "Special Jury List," if a sufficient Number of such Men can be found, and if not, then such as shall be impannelled upon the Common Jury List; and the Names of the Persons so to be named, with their Additions and Places of Abode, shall be written on several distinct Pieces of Parchment or Cards, being all as near as may be of equal Size, and shall be delivered to the Clerk or Registrar of the Judge before whom such Issue is to be tried, by the Sheriff or other Officer to whom the returning of such Jury shall belong, and shall by the Direction and Care of such Clerk or Registrar be rolled up as near as may be in the same Manner, and put together in a Box or Drawer, and shaken together, and the said Clerk or Registrar, or other indifferent Person, by Direction of the Court, in open Court, shall draw out such Pieces of Parchment or Card one after another until a Number shall appear, which shall be sufficient, with those of the original Panel who appear, to make up the Number of *Twelve* who shall be the Jury to try such Issue; and the Queen, by any One so authorized or assigned as aforesaid, and all and every the Parties aforesaid, shall and may, in each of the Cases aforesaid respectively, have their respective Challenges to the Jurors so added and annexed; and the Court shall proceed to the Trial of every such Issue with those Jurors who were before impannelled, together with the Talesman so newly added and annexed, as if all the said Jurors had been returned upon the Precept awarded to try the Issues.

XXX. No Sheriff, Under Sheriff, Coroner, Elisor, Bailiff, or other Officer or Person whomsoever, shall directly or indirectly ask or solicit or take or receive any Money or other Reward, or Promise of Money or Reward, or any Consideration whatsoever, or the Promise of any Consideration, to excuse any Man from serving or from being summoned to serve on Juries, or under any such Colour or Pretence; and no Bailiff or other Officer appointed by any Sheriff, Under Sheriff, Coroner, or Elisor to summon Juries shall summons any Man to serve thereon other than those whose Names are specified in a Warrant or Mandate signed by such Sheriff, Under Sheriff, or Elisor, and directed to such Bailiff or other Officer; and if any Sheriff, Under Sheriff, Coroner, Elisor, Bailiff, or other Officer shall wilfully transgress in any of the Cases aforesaid, or shall neglect to summon any Juror, or shall summon any Juror any Number of Days less than *Five* Days before

Sheriff, &c.
not to ask or
take any
Money, &c.
to excuse
any Person
from serving.
See 3 & 4
W. 4. c.91.
s. 34.

the Day on which he is to attend, the Court (within whose Jurisdiction such Offence shall have been committed) may and is hereby required, on Examination and Proof such Offence in a summary Way, to set such a Fine upon any Person so offending as the Court shall think meet, according to the Nature of the Offence.

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Power to the Superior Courts to change the Venue where same is laid in any County of a City. See 3 & 4 W. 4. c. 91. s. 21. and 6 G. 4. c. 51. s. 4.

XXXI. In every Action, whether the same be transitory or local, which shall be prosecuted or depending in any of Her Majesty's Courts of Record in Ireland, and in every Indictment removed into Her Majesty's Court of Queen's Bench in Ireland by Writ of Certiorari, and every Indictment found by any Term Grand Jury of the County of Dublin or of the County of the City of Dublin, in Her Majesty's Court of Queen's Bench in Ireland, and in every Information filed by Her Majesty's Attorney General or Solicitor General in Ireland, or by Leave of the Court of Queen's Bench in Ireland, and in all Cases where any Person or Persons shall plead to or traverse any of the Facts contained in the Return to any Writ of Mandamus in Ireland, if the Venue in such Action, Indictment, or Information be laid in any County, or if such Writ of Mandamus be directed to any Person or Persons or Body Politic or Corporate in Ireland, it shall and may be lawful for the Court in which such Action, Indictment, Information, or other Proceedings shall be depending, at the Prayer and Instance of any Prosecutor or Plaintiff, or of any Defendant, to direct the Issue or Issues joined in such Action, Indictment, Information, or Proceeding to be tried by a Jury of the County next adjoining, and to issue a proper Precept accordingly, if the said Court shall think fit and proper so to do.

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Penalties for Neglect of Duty by Clerk of the Peace or Town Clerk or Sheriff. See 3 & 4 W. 4. c. 91. s. 36.

XXXII. If any Clerk of the Peace or Town Clerk shall refuse or wilfully neglect to cause such List of Jurors to be made out in the Manner herein-before directed, or shall refuse or wilfully neglect to provide or prepare the "Jurors Book" or "Special Jurors Book" within the Time or in the Manner and Form herein-before prescribed, or to deliver the same to the Sheriff or Under Sheriff within the Time herein-before prescribed, or if any Sheriff or Under Sheriff or other Officer acting under this Act shall make or cause to be made any Alteration whatsoever in the List of Jurors contained in the said "Jurors Books," except in the Cases herein-before provided for, or shall wilfully write or cause to be written in the said List or Books the Name of any Person not qualified, or shall wilfully omit thereout the Name of every Person duly qualified as a Juror or Special Juror, or shall neglect or refuse to write or cause to be written the several Numbers contained in such List upon distinct Pieces of Parchment or Card in the Manner and within the Time herein-before prescribed, or shall subtract or destroy, or by any Neglect

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Neglect or Default lose, any of the said Pieces of Parchment or Card, or shall wilfully neglect or refuse, upon Discovery of such Loss, to supply the same, or if any Sheriff or Under Sheriff shall refuse or wilfully neglect, within *Ten Days* after the next succeeding Sheriff shall have entered upon Office, to deliver over to him as well
 5 all the said "Jurors Books" which shall be made or prepared in the Year of his Shrievalty as also such other like Books and Lists as were prepared in the Shrievalty of any of his Predecessors within *Four Years* then next preceding and which were delivered over to him by any of his Predecessors, every such Clerk of the Peace,
 10 Sheriff or Under Sheriff, or other Officer, offending in any of the said Cases, shall for every such Offence forfeit the Sum of *One hundred Pounds, one Moiety* whereof shall be to the Use of Her Majesty, Her Heirs or Successors, and the *other Moiety*, with full Costs, to such Person as shall sue for the same in any of Her Majesty's Courts
 15 of Record at Dublin.

XXXIII. If any Man, having been duly summoned and returned to serve as a Juror upon any Inquest or Inquiry before any Sheriff, Justice of the Peace or Justices of the Peace, or Coroner, or before any of the Commissioners appointed under the Great Seal or the
 20 Seal of the Court of Exchequer, shall not, after being openly called Three Times, appear, and Service of such Summons be duly proved, every such Sheriff, or in his Absence the Under Sheriff, and such Justice of the Peace and such Coroner and Commissioners respectively, are hereby authorized and required, unless some reason-
 25 able Excuse shall be proved on Oath or Affidavit, to impose such Fine upon every Man so making default as they shall respectively think fit, not exceeding *Five Pounds*; and every such Sheriff, Under Sheriff, Justices of the Peace, Coroner, and Commissioners respectively shall make out and sign a Certificate containing the Christian and Surname,
 30 the Residence, and Trade or Calling of every Man so making default, together with the Amount of the Fine imposed, and the Cause of such Fine, and shall transmit such Certificate to the Clerk of the Peace for the Place in which every such Defaulter shall reside, on or before the First Day of the Quarter Session next ensuing; and every such
 35 Clerk of the Peace is hereby required to copy the Fines so certified on the Roll on which all Fines and Forfeitures imposed at such Quarter Sessions shall be copied, and the same shall be estreated, levied, and applied in like Manner, and subject to the like Powers, Provisions, and Penalties in all respects, as if they had been Part of
 40 the Fines imposed at such Quarter Sessions.

Penalties on Jurors summoned on Inquests for Non-attendance or other Default.
 See 3 & 4 W. 4. c. 91. s. 41.

XXXIV. All Fines to be imposed under this Act by any of the Courts shall be levied and applied in the same Manner as any other
 [19.] C 2 Fines

Fines imposed by this Act.

See 3 &
W. 4. c. 91.
s. 42.

Fines imposed by the same Court, and that all other Penalties hereby created (for which no other Remedy is given) shall be sued for, levied, and recovered, and any Conviction under this Act shall be appealed from, as by the Petty Sessions Ireland, Act, 1851, is provided, within the Operation of the said Act, and within the Police District of Dublin 5 Metropolis according to the Laws in force in the said District.

Sheriff in-
demnified in
returning
any Person
whose Name
is in the
Jurors Book
or Special
Jurors Book.
3 & 4 W. 4.
c. 91. s. 33.

XXXV. Every Sheriff and other Officer to whom the Return of Juries shall belong shall be and is hereby indemnified for summoning, impannelling, and returning any Man named in the said "Jurors Book" or "Special Jurors Book," although he may not be qualified or liable to 10 serve on Juries; and if any Sheriff or other such Officer shall wilfully impanel and return any Man to serve on any Jury before any of the Courts before mentioned (except on the Grand Jury at any Assizes, or on the Grand Jury of the County of Dublin or County of the City of Dublin in every Term), such Man's Name not being inserted in the 15 said "Jurors Book" or "Special Jurors Book" for the current Year, or if such "Jurors Book" and "Special Jurors Book," or either of them, hath not been delivered, then in the "Jurors Book" or "Special Jurors Book" (as the Case may be) last delivered, or if any Judge's Registrar or Clerk, Clerk of the Peace, Town Clerk, or other Officer 20 of any of the Courts in this Act mentioned, shall wilfully record the Appearance of any Man so summoned and returned who did not really appear, in every such Case the Court shall, upon Examination in a summary Way, set such Fine upon such Sheriff or Officer, Judge's Registrar, or Clerk of the Peace, or Town Clerk, or other Officer 25 attending, as to the Court shall seem meet.

Writ of
Attaint
abolished.
3 & 4 W. 4.
c. 91. s. 47.

XXXVI. From and after the *passing of this Act*, it shall not be lawful for the Queen, or any one on Her Behalf, or for any Party or Parties in any Case whatsoever, to commence or prosecute any Writ of Attaint against any Juror or Jurors for the Verdict by them given, 30 or against the Party or Parties who shall have Judgment upon such Verdict; and no Inquest shall be taken to inquire of the Concealments of other Inquests, but all such Attaints and Inquests shall thenceforth cease, become void, and be utterly abolished, any Law, Statute, or Usage to the contrary notwithstanding. 35

Embracery.
See 3 & 4
W. 4. c. 91.
s. 48.

XXXVII. Provided always, That, notwithstanding anything herein contained, every Person who shall be guilty of the Offence of Embracery, and every Juror who shall wilfully or corruptly consent thereto, shall and may be respectively proceeded against by Indictment or Information, and be punished by Fine and Imprisonment, in like 40 Manner as every such Person and Jurors might have been before the passing of this Act.

XXXVIII. From

XXXVIII. From and after the Periods hereby appointed for the Commencement of this Act, the several Acts and Parts of Acts set forth in the First Schedule to this Act annexed, to the Extent to which such Acts or Parts of Acts are by such Schedule expressed to
 5 be repealed, and every other Act or Acts and such Parts of every other Act or Acts as shall be inconsistent with this Act, shall be and they are hereby repealed, except as to anything heretofore done, and except so far as any of the said Acts or Parts of Acts, whether mentioned or included in the said Schedule or not, repeal any former Act
 10 or Acts or Parts of an Act or Acts, and except as to the Recovery and Application of any Penalty for any Offence which shall have been committed before the Periods appointed for the Commencement of this Act.

Certain Acts and Parts of Acts repealed.

XXXIX. Provided also, That nothing herein contained shall
 15 extend or be construed to extend to alter, abridge, or affect any Power or Authority which any Court or Judge in this Act mentioned now hath, in issuing any Precept, or making any Award or Order, orally or otherwise, for the Return of a Jury, Juries, or Jurors, or for amending or enlarging the Panel of Jurors returned for the Trial of any Issue,
 20 except in those Cases only where any such Power or Authority, Practice or Form, is expressly repealed or altered by this Act, or is or shall be inconsistent with any of the Provisions thereof, nor to abridge or affect any Privilege of Parliament; provided that the Jurors to try any Issue be qualified according to this Act.

This Act not to abridge Powers of Courts. See 3 & 4 W. 4. c. 91. s. 15.

25 XL. The Parts of this Act relating to the Preparation of Lists of Jurors, and the Formation of the "Jurors Book" and "Special Jurors Book," and the Delivery thereof to the Sheriff in the Manner herein-before mentioned, shall commence and take effect as soon after the *passing of this Act* as the proper Periods for doing those
 30 Things shall occur; and the rest of this Act shall commence and take effect in the County of Dublin and the County of the City of Dublin on the

Commencement of this Act.

, and in every other County in Ireland on the

SCHEDULES to which the foregoing Act refers.

FIRST SCHEDULE.

ACTS and PARTS of ACTS to be repealed, so far as in the foregoing Acts is declared.

Date of Act.	Title of Act.	Extent of Repeal.
No. 1. An Act passed in the Session of Parliament holden in the Third and Fourth Years of the Reign of William the Fourth, Chapter Ninety-one.	No. 1. "An Act for consolidating and amending the Laws relative to Jurors and Juries in Ireland."	No. 1. The whole of this Act, except the 50th Section.
No. 2. An Act passed in the Session of Parliament holden in the Fourth and Fifth Years of the Reign of William the Fourth, Chapter Eight.	No. 2. "An Act to amend an Act passed in the last Session for consolidating and amending the Laws relative to Jurors and Juries in Ireland."	No. 2. The whole of this Act.
No. 3. An Act passed in the Session of Parliament holden in the Second and Third Years of the Reign of Queen Victoria, Chapter Forty-eight.	No. 3. "An Act to amend Two Acts of the Third and Fourth and Fourth and Fifth Years of His late Majesty King William the Fourth, for consolidating and amending the Laws relative to Jurors and Juries in Ireland."	No. 3. The whole of this Act.
No. 4. An Act passed in the Session of Parliament holden in the Third and Fourth Years of the Reign of Queen Victoria, Chapter One hundred and eight.	No. 4. "An Act for the Regulation of Municipal Corporations in Ireland."	No. 4. Section 180.
No. 5. An Act passed in the Session of Parliament holden in the Eighth and Ninth Years of the Reign of Queen Victoria, Chapter Sixty-seven.	No. 5. "An Act for making further Regulations for more effectually securing the Correctness of the Jurors Books in Ireland."	No. 5. The whole of this Act.
No. 6. An Act passed in the Session of Parliament holden in the Twelfth and Thirteenth Years of the Reign of Queen Victoria, Chapter Ninety-one.	No. 6. "An Act to provide for the Collection of Rates in the City of Dublin."	No. 6. Section 87. of this Act, by which the Collector General of the City of Dublin is required to make out the List of Persons liable to serve on Juries.

Justices of the Peace Qualification Bill.

ARRANGEMENT OF CLAUSES.

Preamble.

Short Title of Act; Sect. 1.

Commencement of Act; 2.

Limits of Act; 3.

Interpretation; 4.

Repeal of Statutes in Schedule; 5.

Savings as to Matters done, &c. under repealed Statutes; 6.

Qualification by Interest in Land; Interest in Land in right of Wife;
Interest in Personal Property; Income from Office or Pension;
Part in Real and Part in Personal Property; 7.

Justice of the Peace shall make Declaration; Form of Declaration; 8.

Declaration to be kept, and Copies to be Evidence; 9.

False Declaration a Misdemeanor; 10.

Justices acting without fulfilling Conditions of Act to forfeit 50*l.*; 11.

Penalty recoverable in County Court; 12.

Proof of Qualification to lie on Defendant; 13.

If Defendant rely upon a Qualification not in his Declaration he must
give Notice; Plaintiff may elect to proceed no farther; 14.

Property not mentioned in Declaration or Notice not to be allowed;
15.

How far Qualification shall be deemed deteriorated in Value by a
joint Liability to an Incumbrance; 16.

If Plaintiff unsuccessful in Suit, to pay Costs on Scale of 5 & 6 Vict.
c. 97. sec. 2.; 17.

One Penalty only to be recovered; 18.

Subsequent Suits to be stayed; 19.

Limitations of Actions; 20.

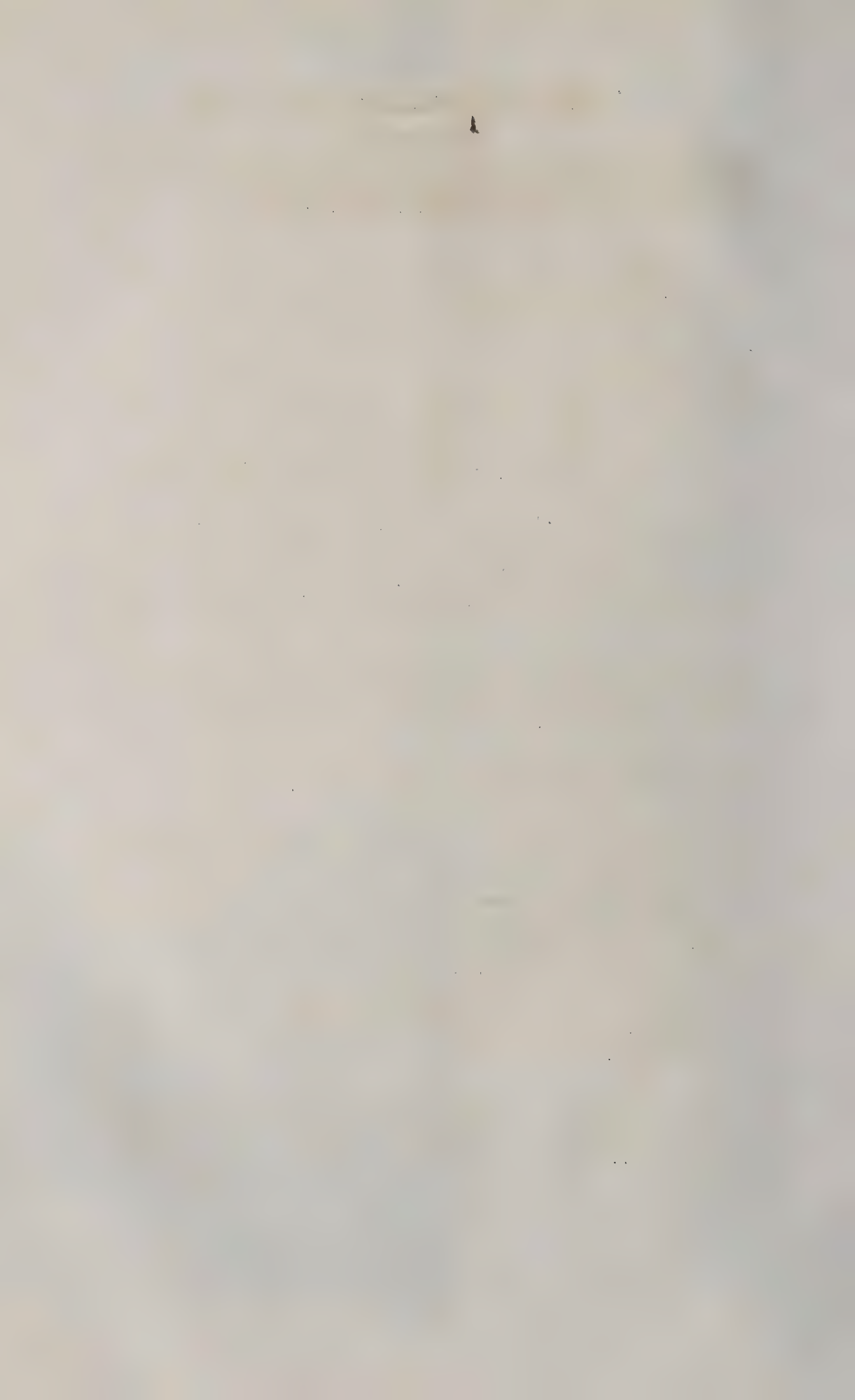
Qualification by Degree; 21.

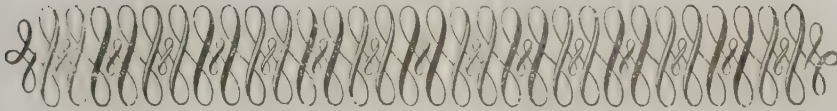
Qualification by Office; 22.

Attorneys, &c. shall not be County Justices; 23.

Act not to extend to particular Jurisdictions; 24.

SCHEDULE.





A

B I L L

TO

Amend the Laws relating to the Qualification of Justices of the Peace.

WHEREAS it is expedient to amend the Laws relating to the Qualification of Justices of the Peace: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

I. This Act may be cited for all Purposes as "The Justices of the Peace Qualification Act, 1856."

Short Title
of Act.

II. This Act shall come into operation on the *First Day* of 10 January *One thousand eight hundred and fifty-seven*.

Commence-
ment of Act.

III. This Act shall extend only to England and Wales.

Limits of
Act.

IV. In interpreting this Act, the Words "County, Riding, or Division" shall not include or extend to a City or Town which is a County of itself.

Interpreta-
tion.

15 V. The several Acts and Parts of Acts designated in the Schedule hereunto annexed are hereby repealed.

Repeal of
Statutes in
Schedule.

Saving as
to Matters
done, &c.
under
repealed
Statutes.

VI. The preceding Repeal shall not extend to invalidate the Operation of the repealed Acts upon Matters done, Qualifications sworn, Rights vested, Offences committed, or Penalties incurred at the Time of the Repeal, but as to all such Matters the repealed Acts shall continue in force as if this Act had not been passed.

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VII. No Person shall be capable of being a Justice of the Peace, or of acting as such, for any County, Riding, or Division, unless he be possessed of One of the following Qualifications; (that is to say,)

Qualification
by Interest
in Land.

1. That he be seised or entitled, for his own Use and Benefit, of or to an Estate, legal or equitable, in Lands within England or Wales, or in the Rents and Profits of such Lands, which Estate shall not be less than for the Life of some Person then living, or for a Term of Years absolute, of which not less than *Thirty* Years shall be unexpired, or determinable on the Life of some Person then living, and that such Estate be of the clear yearly Value of not less than *One hundred Pounds*, over and above all Incumbrances affecting the same :

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Interest in
Land in
right of
Wife.

2. That he be entitled to such Estate as aforesaid in right of his Wife, and to the Remainder after the Determination of her Interest :

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Interest in
Personal
Property.

3. That he be possessed or entitled, for his own Use and Benefit, at Law or in Equity, either in perpetuity or for the Life of some Person then living, or for a Term of Years absolute of which not less than *Thirty* Years shall be unexpired, or determinable on the Life of some Person then living, of or to Personal Estates or Effects within England or Wales, or the Interest, Dividends, or annual Proceeds of Personal Estate or Effects, and that such Personal Estate or Effects, Interest, Dividends, or annual Proceeds actually produce the clear yearly Income of not less than *Three hundred Pounds*, over and about all Incumbrances affecting the same :

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Income from
Office or
Pension.

4. That he be possessed, for his own Use and Benefit, of a clear yearly Income of not less than *Three hundred Pounds* derived from an Office or Employment held under the Crown or under some Department of the Government, for Life or during good Behaviour, or derived from a Pension for Life granted in respect of the previous Exercise of such an Office or Employment, or derived from a Pension granted for Services of a Civil or Military Nature by the Honourable East India Company :

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Part in Real
and part in
Personal
Property.

5. That he be possessed of more than One of the several Kinds of Property herein-before mentioned, which, although they be singly of insufficient yearly Value to create a Qualification under this Act, amount in the aggregate to the clear yearly Value of *Three hundred Pounds*, over and above all Incumbrances affecting the same.

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VIII. No

VIII. No Person shall hereafter become qualified to act as a Justice of the Peace for any County, Riding, or Division until he has made and subscribed, at some General or Quarter Sessions of the Peace for such County, Riding, or Division, the Declaration following; that is to say,

‘ [A.B. do solemnly and sincerely declare, That I am, to the best of my Knowledge and Belief, duly qualified to act as a Justice of the Peace for the County [or Riding or Division] of within the true Intent and Meaning of “The Justices of the Peace Qualification Act, 1856,” and that my Qualification arises out of [here let the Party state the Nature of his Qualification, as the Case may be. If it arise, either wholly or partially, out of Lands, let him state the Parish, Township, or Precinct, and also the County in which such Lands are situate; but if the Qualification consists, either wholly or partially, of Rent, it is sufficient to specify so much of the Lands out of which the Rent issues as is of sufficient Value to answer such Rent. Let him state also the Estate in such Lands, or in the Rents or Profits thereof, to which he is entitled].
 ‘ [If the Qualification arise, either wholly or partially, out of Personal Estate or Effects, let him state of what Nature such Personal Estate and Effects are, and where situate, what Interest he has therein, and in what Securities and in whose Name the same are vested.]
 ‘ [But if the Qualification consist of an Office, Benefice, or Ecclesiastical Preferment, it shall be sufficient (notwithstanding that the said Office, Benefice, or Ecclesiastical Preferment may be generally included within the Meaning of the Word “Land” throughout this Act) to describe the same by its usual Name.]’

IX. Every such Declaration shall be kept by the Clerk of the Peace among the Records of the Sessions whereat it was made and subscribed, and he shall supply an attested Copy of such Declaration to every Person demanding the same, and tendering the Sum of *Two Shillings* therefor; and such attested Copy shall, upon its mere Production, be admitted in Evidence in any Court of Justice or before any Person having by Law or by Consent of Parties Authority to receive and examine Evidence.

X. Any Person who shall make and subscribe any such Declaration as aforesaid, knowing the same to be untrue in any material Particular, shall be guilty of a Misdemeanor.

XI. Any Person who has not duly qualified to act as a Justice of the Peace for any County, Riding, or Division before the passing of this Act, who shall act as such without having made and subscribed

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the

Justice of
the Peace
shall make
Declaration.

Form of
Declaration.

Declaration
to be kept,
and Copies
to be Evi-
dence.

False Decla-
ration a Mis-
demeanor.

Justices act-
ing without
fulfilling
Conditions

of Act to
forfeit 50l.

the said Declaration as aforesaid, or without being qualified according to this Act, shall forfeit the Sum of *Fifty Pounds*.

Penalty
recoverable
in County
Court.

XII. The Penalty imposed by this Act shall be recoverable, with Costs of Suit, in any County Court within the District wherein the Offender may reside, at the Suit of any Person who will sue for the same; and *one Moiety* of the said Penalty shall be paid to the Treasurer of the County Court wherein the same has been recovered, for Her Majesty's Use, and be accounted for by him to the Commissioners of Her Majesty's Treasury, to be paid over by the Treasurer of such County Court in such Manner as they may direct; and the *other Moiety*, together with all Costs of Suit, shall be for the sole Use of the Person who sued for the said Penalty. 5 10

Qualification
to lie on
Defendant.

XIII. In every such Suit the Proof of his Qualification shall lie upon the Person against whom the Suit is brought.

If Defendant
rely upon a
Qualification
not in his
Declaration,
he must give
Notice.

XIV. If the Defendant in any such Suit shall intend to insist, either wholly or in part, upon any Qualification not contained in his Declaration, he shall, within *Seven Days* after receiving Process in such Suit, or within *Seven Days* before the Day appointed for the Hearing thereof, (whichever Limitation of Time may afford the Defendant the longer Period,) deliver to the Plaintiff in such Suit a Notice in Writing, specifying such Qualification, with same Certainty as is by this Act required in a Declaration of Qualification; and if the Plaintiff shall think fit thereupon not to proceed any further, he may within *Two Days* of the Day appointed for the Hearing, deliver to the Defendant a Notice that he will proceed no further in such Suit, and the Suit shall then abate. 15 20 25

Plaintiff
may elect to
proceed no
farther.

Property not
mentioned in
Declaration
or Notice not
to be allowed.

XV. Upon the Hearing of any such Suit no Qualification not contained in the Declaration or Notice shall be allowed to be proved by the Defendant.

How far
Qualification
shall be
deemed
deteriorated
in Value by
a joint Lia-
bility to an
Incum-
brance.

XVI. Where Property designated in a Declaration or Notice is chargeable with an Incumbrance jointly with other Property belonging to the same Person, such Property shall for the Purposes of this Act be considered to be deteriorated in Value by the Existence of such Incumbrance only to the Extent to which the other Property jointly charged therewith is insufficient to satisfy the same. 30 35

If Plaintiff
unsuccessful
in Suit, to
pay Costs on
Scale of

XVII. In case the Plaintiff in any such Suit shall be nonsuit, or Judgment be given against him, the Person against whom such Suits shall have been brought shall receive from such Plaintiff such full and reasonable Indemnity, as to all Costs, Charges, and Expenses incurred in

in and about such Suit, as shall be taxed by the proper Officer in that Behalf, subject to be reviewed in like Manner and by the same Authority as any other Taxation of Costs by such Officer. 5 & 6 Vict.
c. 97. s. 2.

XVIII. Not more than One Penalty shall be recovered from the same Person under this Act in respect of any Number of Offences against this Act committed before the Commencement of a Suit in which a Penalty shall be recovered, and before the Defendant in such Suit had received Notice of the Commencement thereof. One Penalty
only to be
recovered.

XIX. Whenever any Suit shall have been commenced for the Recovery of the Penalty mentioned in this Act, and a subsequent Suit shall be commenced in respect of Acts done anterior to the Commencement of the First Suit, the Judge of the County Court in which such subsequent Suit has been brought shall, upon being satisfied that the First Suit is being prosecuted without Fraud or Delay, stay Proceedings from Time to Time in the subsequent Suit until the First Suit has been determined, or until the Plaintiff in the First Suit has been guilty of unnecessary Delay; and after Judgment has been recovered in the First Suit, and has been satisfied, the subsequent Suit shall be stayed absolutely. Subsequent
Suits to be
stayed.

XX. Every Suit for a Penalty under this Act shall be commenced within *Six* Months after the Offence. Limitation
of Actions.

XXI. This Act shall not extend to, and no Qualification by Estate shall be required of, Persons of the following Degrees: Qualification
by Degree.

1. Peers or Lords of Parliament:
- 25 2. Members of Her Majesty's Most Honourable Privy Council:
3. Justices of either Bench, and Barons of the Court of Exchequer:
4. Eldest Sons of Peers or Lords of Parliament:
5. Eldest Sons or Heirs Apparent of Persons qualified to serve as Members of the House of Commons for any County, Riding,
- 30 or Division.

XXII. This Act shall not extend to, and no Qualification by Estate shall be required of, Persons holding the following Offices, and acting as Justices of the Peace within the Limits herein-after mentioned: Qualification
by Office.

1. Officers of the Board of Green Cloth acting within the Verge of Her Majesty's Palaces:
- 35 2. Heads of Colleges or Halls within the University of Oxford, or Vice-Chancellor of that University, or Mayor of the City of Oxford, acting within the Counties of Berks and Oxford:
3. Heads of Colleges or Halls within the University of Cambridge, or Vice-Chancellor of that University, or Mayor of the Town of
- 40 [30.] A 3 Cambridge,

Cambridge, acting as Justices of the Peace within the County of Cambridge :

4. Commissioners or Principal Officers of the Navy, Under Secretaries in the Offices of the Principal Secretaries of State, and the Secretary of Chelsea College, acting within those Counties 5 or Places where these Officers have usually been Justices of the Peace :
5. Judges of the County Court acting for any County, Riding, or Division for which he is appointed Judge of the County Court.

Attorneys,
&c. shall not
be County
Justices.

XXIII. No Attorney, Solicitor, or Proctor in any Court shall be 10 capable of being a Justice of the Peace for any County, Riding, or Division during such Time as he shall continue to practise as an Attorney, Solicitor, or Proctor.

Act not to
extend to
particular
Jurisdic-
tions.

XXIV. This Act shall not extend to any City, Town, Cinque Port, or Liberty having Justices of the Peace within their respective 15 Limits and Precincts, by Charter, Commission, or otherwise, nor to any Persons acting as Justices of the Peace within any such City, Town, Cinque Port, or Liberty.

SCHEDULE to which this Act refers.

Act.	Title.	How much repealed.
13 Rich. 2. Stat. 1. Cap. 7.	What Sort of Persons shall be Justices of Peace, and what their Charge is to be.	The whole.
18 Hen. 6. Cap. 11. -	Of what yearly Value in Lands a Justice of Peace ought to be.	The whole.
5 Geo. 2. Cap. 18. -	An Act for the further Qualification of Justices of the Peace.	The whole.
18 Geo. 2. Cap. 20. -	An Act to amend and render more effectual an Act passed in the Fifth Year of His present Majesty's Reign, entitled "An Act for the further Qualification of Justices of the Peace."	The whole.
6 & 7 Vict. Cap. 73.	An Act for consolidating and amending several of the Laws relating to Attorneys and Solicitors practising in England and Wales.	Section Thirty-three.
9 & 10 Vict. Cap. 95.	An Act for the more easy Recovery of Small Debts and Demands in England.	Section Twenty-one.

Justices of the Peace Qualification.

A

B I L L

To amend the Laws relating to the
Qualification of Justices of the Peace.

*(Prepared and brought in by
Mr. Colvile and Mr. Ker Seymour.)*

*Ordered, by The House of Commons, to be Printed,
13 February 1856.*

[Bill 30.]

Under 2 oz.

Justices of the Peace Qualification Bill.

[AS AMENDED IN COMMITTEE]

ARRANGEMENT OF CLAUSES.

Preamble.

Short Title of Act; Sect. 1.

Commencement of Act; 2.

Limits of Act; 3.

Interpretation; 4.

Repeal of Statutes in Schedule; 5.

Saving as to Matters done, &c. under repealed Statutes; 6.

Qualification by Interest in Land; Interest in reversion; Interest in Personal Property; Income from Office or Pension; Part in Real and Part in Personal Property; 7.

Justice of the Peace shall make Declaration; Form of Declaration; 8.

Declaration to be kept, and Copies to be Evidence; 9.

False Declaration a Misdemeanor; 10.

Persons not to act as Justices in certain Cases, unless rated to the Poor or County Rate; 11.

Justices acting without fulfilling Conditions of Act to forfeit 50*l.*; 12.

Penalty recoverable in County Court; 13.

Proof of Qualification to lie on Defendant; 14.

If Defendant rely upon a Qualification not in his Declaration he must give Notice; Plaintiff may elect to proceed no farther; 15.

Property not mentioned in Declaration or Notice not to be allowed; 16.

How far Qualification shall be deemed deteriorated in Value by a joint Liability to an Incumbrance; 17.

If Plaintiff unsuccessful in Suit, to pay Costs on Scale of 5 & 6 Vict. c. 97. sec. 2.; 18.

One Penalty only to be recovered; 19.

Subsequent Suits to be stayed; 20.

Limitations of Actions; 21.

Qualification by Degree; 22.

Qualification by Office; 23.

Attorneys, &c. shall not be County Justices; 24.

SCHEDULE.

5 May 1856. 19 VICT.



A

B I L L

[AS AMENDED IN COMMITTEE]

TO

Amend the Laws relating to the Qualification of
Justices of the Peace.

[Note.—*Clause A. was added in Committee*].

WHEREAS it is expedient to amend the Laws relating to the Qualification of Justices of the Peace: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

I. This Act may be cited for all Purposes as "The Justices of the Peace Qualification Act, 1856."

Preamble.

Short Title of Act.

II. This Act shall come into operation on the First Day of January One thousand eight hundred and fifty-seven, and shall not have any retrospective Effect, unless otherwise expressly provided.

Commencement of Act.

III. This Act shall only extend to England and Wales.

Limits of Act.

IV. In interpreting this Act, the Word "County" shall include any Riding or Division of a County, but shall not include or extend to a City or Town which is a County of itself, nor to any City, Town, Cinque Port, or Liberty, having Justices of the Peace within their respective Limits and Precincts, by Charter, Commission, or otherwise; the Word "Lands" shall extend to and include Lands of any Tenure, and also Messuages, Tenements, and Hereditaments, or Rents arising thereout.

CLAUSE A.
Interpretation.

[Bill 125.]

A

V. The

Repeal of
Statutes in
Schedule.

V. The several Acts and Parts of Acts designated in the Schedule hereunto annexed are hereby repealed.

Saving as
to Matters
done, &c.
under
repealed
Statutes.

VI. The preceding Repeal shall not extend to invalidate the Operation of the repealed Acts upon or in respect of Matters done, Qualifications sworn, Rights vested, Offences committed, or Penalties incurred 5
at the Time of the Repeal, but as to all such Matters the repealed Acts shall continue in force as if this Act had not been passed.

VII. No Person shall be capable of being hereafter appointed a Justice of the Peace, or of acting as such, for any County, unless he be possessed of One of the following Qualifications; (that is to say,) 10

Qualification
by Interest
in Land.

1. That he be seised or entitled, in his own Right or the Right of his Wife, either at Law or in Equity, for his own Use and Benefit in possession, of or to Lands within England or Wales, or for an Estate for Life or some greater Estate, or an Estate for a Term of Years determinable upon One or more Life or Lives, or for a 15
certain Term originally created for Twenty-one Years or more, of the clear yearly Value of not less than One hundred Pounds over and above all Incumbrances, Rents, and Charges payable out of or in respect of the same :

Interest in
reversion.

2. That he be seised of or entitled unto, in Law or Equity, to and for his own Use and Benefit, of the immediate Reversion or Remainder of and in Lands, lying or being as aforesaid, which are leased for One, Two, or Three Lives upon reserved Rents, and which are of the clear yearly Value of Three hundred Pounds :

Interest in
Personal
Property.

3. That he be possessed or entitled, in his own Right or in Right of his Wife, for his own Use and Benefit in possession, either at Law or in Equity, of an Estate for Life, or absolutely of or to Personal Estate within England or Wales, not being Stock in Trade, of the clear yearly Value of Three hundred Pounds, over and above all Charges and Incumbrances affecting the same : 30

Income from
Office or
Pension.

4. That he be possessed, for his own Use and Benefit, of a clear yearly Income of not less than Three hundred Pounds derived from an Office or Employment held under the Crown or under some Department of the Government, for Life or during good Behaviour, or derived from a Pension for Life granted in respect of the previous Exercise of such an Office or Employment, or derived from a Pension granted for Services of a Civil or Military Nature by the Honourable East India Company : 35

Part in Real
and Part in
Personal
Property.

5. That he be possessed of more than One of the several Kinds of Property herein-before mentioned, which, although they be singly 40
of insufficient yearly Value to create a Qualification under this Act, amount in the aggregate to the clear yearly Value of Three hundred Pounds, over and above all Incumbrances affecting the same.

VIII. No

VIII. No Person hereafter appointed a Justice of the Peace for any County shall become qualified to act as such Justice until he has made and subscribed, at some General or Quarter Sessions of the Peace for such County, the Declaration following; that is to

Justice of the Peace shall make Declaration.

5 say,

‘ I A.B. do solemnly and sincerely declare, That I am, to the best
‘ of my Knowledge and Belief, duly qualified to act as a Justice
‘ of the Peace for the County of within the
‘ true Intent and Meaning of “The Justices of the Peace Quali-
10 ‘ cation Act, 1856,” and that my Qualification arises out of [here
‘ let the Party state the Nature of his Qualification, as the Case
‘ may be. If it arise, either wholly or partially, out of Lands, let
‘ him state the Parish, Township, or Precinct, and also the County
‘ in which such Lands are situate; but if the Qualification consists,
15 ‘ either wholly or partially, of Rent, it is sufficient to specify so much
‘ of the Lands out of which the Rent issues as is of sufficient Value
‘ to answer such Rent. Let him state also the Estate in such Lands,
‘ or in the Rents or Profits thereof, to which he is entitled].

Form of Declaration.

‘ [If the Qualification arise, either wholly or partially, out of Per-
20 ‘ sonal Estate, let him state the Nature of such Personal Estate, and
‘ where situate, what Interest he has therein, and in what Securities
‘ and in whose Name the same are vested.]

‘ [But if the Qualification consist of an Office, Benefice, or Eccle-
‘ siastical Preferment, it shall be sufficient (notwithstanding that the
25 ‘ said Office, Benefice, or Ecclesiastical Preferment may be generally
‘ included within the Meaning of the Word “Land” throughout this
‘ Act) to describe the same by its usual Name.]’

IX. Every such Declaration shall be kept by the Clerk of the Peace among the Records of the Sessions whereat it was made and
30 subscribed, and he shall supply an attested Copy of such Declaration to every Person demanding the same, and tendering the Sum of Two Shillings therefor; and such attested Copy shall, upon its mere Production, be admitted in Evidence in any Court of Justice or before any Person having by Law or by Consent of Parties Authority to receive
35 and examine Evidence.

Declaration to be kept, and Copies to be Evidence.

X. Any Person who shall make and subscribe any such Declaration as aforesaid, knowing the same to be untrue in any material Particular, shall be guilty of a Misdemeanor.

False Declaration a Misdemeanor.

XI. Provided always, That no Person hereafter appointed a Justice
40 of the Peace for any County shall be qualified to act as such Justice at any Court of General or Quarter Sessions, or at any Adjournment thereof, in any Business appertaining Assessment, Application, or
[125.] A 2 Management

CLAUSE A.
Persons not to act as Justices in certain Cases, unless rated to the

Poor or
County
Rate.

Management of the County Stock or Rate, or of any Funds used and applied in aid thereof or contributory thereto, or in any Matter or Thing whereby or in respect whereof the said County Stock or Rate is or may be chargeable by Law, unless his Lands be assessed to the Poor or County Rate of some Parish or Township within such County upon the Sum of One hundred Pounds, or that he be himself assessed to such Rate in respect of the Occupation of House or Lands upon the Sum of One hundred Pounds. 5

Justices act-
ing without
fulfilling
Conditions
of Act to
forfeit 50*l*.

XII. Any Person who has not duly qualified to act as a Justice of the Peace for any County before the passing of this Act, who shall act as such without having made and subscribed the said Declaration as aforesaid, or without being qualified according to this Act, shall forfeit the Sum of Fifty Pounds. 10

Penalty
recoverable
in County
Court.

XIII. The Penalty imposed by this Act shall be recoverable, with Costs of Suit, in any County Court within the District wherein the Offender may reside, at the Suit of any Person who will sue for the same; and one Moiety of the said Penalty shall be paid to the Treasurer of the County Court wherein the same has been recovered, for Her Majesty's Use, and be accounted for by him to the Commissioners of Her Majesty's Treasury, to be paid over by the Treasurer of such County Court in such Manner as they may direct; and the other Moiety, together with all Costs of Suit, shall be for the sole Use of the Person who sued for the said Penalty. 15 20

Qualification
to lie on
Defendant.

XIV. In every such Suit the Proof of his Qualification shall lie upon the Person against whom the Suit is brought. 25

If Defendant
rely upon a
Qualification
not in his
Declaration,
he must give
Notice.

XV. If the Defendant in any such Suit shall intend to insist, either wholly or in part, upon any Qualification not contained in his Declaration, he shall, within Seven Days after receiving Process in such Suit, or within Seven Days before the Day appointed for the Hearing thereof, (whichever Limitation of Time may afford the Defendant the longer Period,) deliver to the Plaintiff in such Suit a Notice in Writing, specifying such Qualification, with same Certainty as is by this Act required in a Declaration of Qualification; and if the Plaintiff shall think fit thereupon not to proceed any further, he may within Two Days of the Day appointed for the Hearing, deliver to the Defendant a Notice that he will proceed no further in such Suit, and the Suit shall then abate. 30 35

Plaintiff
may elect to
proceed no
farther.

Property not
mentioned in
Declaration
or Notice not
to be allowed.

XVI. Upon the Hearing of any such Suit no Qualification not contained in the Declaration or Notice shall be allowed to be proved by the Defendant. 40

XVII. Where

XVII. Where Property designated in a Declaration or Notice is chargeable with an Incumbrance jointly with other Property belonging to the same Person, such Property shall for the Purposes of this Act be considered to be deteriorated in Value by the Existence of such Incumbrance only to the Extent to which the other Property jointly charged therewith is insufficient to satisfy the same.

How far Qualification shall be deemed deteriorated in Value by a joint Liability to an Incumbrance.

XVIII. In case the Plaintiff in any such Suit shall be nonsuit, or Judgment be given against him, the Person against whom such Suits shall have been brought shall receive from such Plaintiff such full and reasonable Indemnity, as to all Costs, Charges, and Expenses incurred in and about such Suit, as shall be taxed by the proper Officer in that Behalf, subject to be reviewed in like Manner and by the same Authority as any other Taxation of Costs by such Officer.

If Plaintiff unsuccessful in Suit, to pay Costs on Scale of 5 & 6 Vict. c. 97. s. 2.

XIX. Not more than One Penalty shall be recovered from the same Person under this Act in respect of any Number of Offences against this Act committed before the Commencement of a Suit in which a Penalty shall be recovered, and before the Defendant in such Suit had received Notice of the Commencement thereof.

One Penalty only to be recovered.

XX. Whenever any Suit shall have been commenced for the Recovery of the Penalty mentioned in this Act, and a subsequent Suit shall be commenced in respect of Acts done anterior to the Commencement of the First Suit, the Judge of the County Court in which such subsequent Suit has been brought shall, upon being satisfied that the First Suit is being prosecuted without Fraud or Delay, stay Proceedings from Time to Time in the subsequent Suit until the First Suit has been determined, or until the Plaintiff in the First Suit has been guilty of unnecessary Delay; and after Judgment has been recovered in the First Suit, and has been satisfied, the subsequent Suit shall be stayed absolutely.

Subsequent Suits to be stayed.

XXI. Every Suit for a Penalty under this Act shall be commenced within Six Months after the Offence.

Limitation of Actions.

XXII. This Act shall not extend to, and no Qualification by Estate shall be required of, Persons of the following Degrees:

Qualification by Degree.

1. Peers or Lords of Parliament:
2. Members of Her Majesty's Most Honourable Privy Council:
3. Justices of either Bench, and Barons of the Court of Exchequer:
4. Her Majesty's Attorney or Solicitor General:
5. Eldest Sons of Peers or Lords of Parliament:
6. Eldest Sons or Heirs Apparent of Persons qualified to serve as Members of the House of Commons for any County.

[125.]

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XXIII. This

Qualification
by Office.

XXII. This Act shall not extend to, and no Qualification by Estate shall be required of, Persons holding the following Offices, and acting as Justices of the Peace within the Limits herein-after mentioned :

1. Officers of the Board of Green Cloth acting within the Verge of Her Majesty's Palaces : 5
2. Heads of Colleges or Halls within the University of Oxford, or Vice-Chancellor of that University, or Mayor of the City of Oxford, acting within the Counties of Berks and Oxford :
3. Heads of Colleges or Halls within the University of Cambridge, or Vice-Chancellor of that University, or Mayor of the Town of Cambridge, acting as Justices of the Peace within the County of Cambridge :
4. Commissioners or Principal Officers of the Navy, Under Secretaries in the Offices of the Principal Secretaries of State, and the Secretary of Chelsea College, acting within those Counties 15 or Places where these Officers have usually been Justices of the Peace :
5. Judges of the County Court acting for any County, Riding, or Division for which he is appointed Judge of the County Court.

Attorneys,
&c. shall not
be County
Justices.

XXIV. No Attorney, Solicitor, or Proctor in any Court shall be 20 capable of being a Justice of the Peace for any County, Riding, or Division during such Time as he shall continue to practise as an Attorney, Solicitor, or Proctor.

SCHEDULE to which this Act refers.

Act.	Title.	How much repealed.
13 Rich. 2. Stat. 1. Cap. 7.	What Sort of Persons shall be Justices of Peace, and what their Charge is to be.	The whole.
18 Hen. 6. Cap. 11.	Of what yearly Value in Lands a Justice of Peace ought to be.	The whole.
5 Geo. 2. Cap. 18. -	An Act for the further Qualification of Justices of the Peace.	The whole.
18 Geo. 2. Cap. 20. -	An Act to amend and render more effectual an Act passed in the Fifth Year of His present Majesty's Reign, entitled "An Act for the further Qualification of Justices of the Peace."	The whole.
6 & 7 Vict. Cap. 73.	An Act for consolidating and amending several of the Laws relating to Attorneys and Solicitors practising in England and Wales.	Section Thirty-three.
9 & 10 Vict. Cap. 95.	An Act for the more easy Recovery of Small Debts and Demands in England.	Section Twenty-one.

Justices of the Peace Qualification.

A

B I L L

[AS AMENDED IN COMMITTEE]

To amend the Laws relating to the
Qualification of Justices of the Peace.

(*Prepared and brought in by*
Mr. Colvile and Mr. Ker Seymour.)

Ordered, by The House of Commons, to be Printed,
5 May 1856.

[Bill 125.]

Under 2 oz.

Juvenile Convict Prison (Ireland) Bill.

ARRANGEMENT OF CLAUSES.

Preamble.

Construction of Terms ; Sect. 1.

Short Title ; 2.

Provisions of 10 Vict. cap. 26, except Section 4, and Lands Clauses Consolidation Act, 1845, extended to this Act ; 3.

Power to purchase Land and erect a Prison thereon ; 4.

Limiting Time for compulsory Purchase of Lands ; 5.

Commissioners to deliver Maps, Schedules, and Estimates at the Office of the Directors of Convict Prisons, Dublin Castle, and deposit Copies with Clerk of the Peace and Clerk of Union ; 6.

Lord Lieutenant to appoint an Arbitrator, on Application of Commissioners for executing this Act ; 7.

Arbitrator may call for Documents and administer Oaths ; 8.

Arbitrator to make and subscribe Declaration ; 9.

Maps, &c., deposited with Directors of Convict Prisons to be delivered to Arbitrator. Notice of Appointment of Arbitration, &c., to be published ; 10.

Arbitrator to adjudicate upon Compensation to be paid for Lands ; 11.

Clerk of the Peace and Clerk of Union required to take charge of Documents deposited as provided by 7 W. 4. & 1 Vict. c. 83 ; 12.

Expenses of the Arbitrator to be borne by the Commissioners ; 13.

Costs of Parties ; 14.

Certificates of Amount of Compensation to be delivered by Commissioners ; 15.

Amount mentioned in Certificates to be paid to Parties, on Demand, &c. ; 16.

When Amount mentioned in Certificates is paid to Parties, Commissioners may take possession ; 17.

Receipts duly stamped to operate as a Conveyance ; 18.

Payment of Monies, where Parties making Claims deemed not entitled, or are under Disability, or Title not satisfactorily deduced ; 19.

When no Claim made, or Parties refuse to accept Sum certified, Money to be paid into the Bank ; 20.

Nothing to prevent Commissioners requiring further Evidence of Title, at their Costs ; 21.

Delivery of Certificate may be enforced by Court of Chancery ; 22.

After Deposit of Draft Award, Commissioners may, upon Deposit of such Amount as Arbitrator may think fit, enter upon Lands. Commissioners to pay Interest from Time of Entry ; 23.

Mode of Deposit ; 24.

Deposit to remain as a Security, and to be applied under the Direction of the Court ; 25.

Commissioners may deposit Money by Way of Security while the Office of the Accountant General is closed ; 26.

Parties dissatisfied with Award may enter a Traverse ; 27.

Verdict on Traverse to have Effect of Judgment ; 28.

Power to stop up or divert Watercourses, &c. ; 29.

12 February 1856. 19 VICT.



(Ireland.)

A

B I L L

FOR

Enabling the Commissioners of Public Works in
Ireland to acquire certain Lands for the Site of
a Prison for the Reception of Juvenile Convicts.

WHEREAS by an Act passed in the Session of the Tenth Year of Her present Majesty, Chapter Twenty-six, the Commissioners of Public Works in Ireland were incorporated, and authorized to purchase, as therein mentioned, Land
5 for Prisons in Ireland: And whereas it is expedient to erect a
suitable Prison for the Reception of Juvenile Convicts in Ireland, and
certain Lands called the "Racecourse Commons," situate in the
Parish of Lusk in the Barony of Balrothery East and County of
Dublin, which are no longer used for a Racecourse, and are now lying
10 waste and unproductive, would be a suitable Site for such Prison and
the Purposes connected therewith, which Lands are described in the
Schedule to this Act, and delineated on a Plan thereof, of which
Copies have been deposited for public Inspection at the Office of the
Clerk of the Peace for the County of Dublin: And whereas it is
15 expedient that the said Commissioners should obtain compulsory
Powers for the Purchase of the Estate, Interest, and Rights of all
Persons in the said last-mentioned Lands; but the same cannot be
[Bill 28.] A effected

Preamble.
10 Vict.
c. 26.

effected without the Authority of Parliament: May it therefore please Your Majesty that it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Construc-
tion of
Terms.

I. In the Construction of this Act the following Words and Expressions shall, if not inconsistent with the Context, have the Meaning herein-after assigned to them; (that is to say,) the Word "Commissioners" shall mean the Commissioners of Public Works 10 in Ireland, or any Two of them; "Lord Lieutenant" shall mean the Chief Governor or Chief Governors of Ireland for the Time being; and "Lands" shall include Houses and Tenements and all Estates and Interests therein.

Short Title.

II. This Act may be cited for all Purposes as "The Juvenile 15 Convict Prisons Act, 1856."

Provisions of
10Vict.c. 26.,
except Sec-
tion 4., and
Lands
Clauses Con-
solidation
Act, 1845,
extended to
this Act.

III. The several Provisions of the said recited Act passed in the Tenth Year of Her present Majesty, Chapter Twenty-six, except Section Four, and the several Provisions of "The Lands Clauses Con- consolidation Act, 1845," shall, so far as the same may be applicable to and 20 are not inconsistent with or modified by the Provisions of this Act, be incorporated with and form Part of this Act, and shall be applicable to the Purposes thereof: Provided always, that all Things by the last-mentioned Act required or authorized to be done by the Promoters of the Undertaking may be done by any Two of the 25 Commissioners.

Power to
purchase
Land, and
erect a
Prison
thereon.

IV. It shall be lawful for the Commissioners, with the Approval and under the Direction of the Commissioners of Her Majesty's Treasury, and subject to the Provisions herein and in the "Lands Clauses Consolidation Act, 1845," contained, to purchase, com- 30 pulsorily or by Agreement, and hold, the whole or any Part of the Lands mentioned and described in the Schedule to this Act annexed, and delineated on the Map or Plan deposited as afore- said, which shall be required for the Site of the said Prison, and the Lands and Premises to be occupied therewith, and to erect, establish, 35 and maintain thereon or any Part thereof a Prison for the Reception of Juvenile Convicts, with all necessary Enclosures and Erections, and to lay out the same with all such Paths and Roads as the Commissioners may deem necessary, and after the Completion of such Purchase all Commonable Rights in, over, or affecting the said 40 Lands

Lands shall be extinguished, and the said Lands shall be vested in the said Commissioners in trust for Her Majesty, Her Heirs and Successors.

- V. The Powers of the Commissioners for the compulsory Purchase
 5 or taking of Lands shall not be exercised after the Expiration of *Five*
 Years from the passing of this Act.

Limiting
 Time for
 compulsory
 Purchase of
 Lands.

- VI. In order to acquire the said Lands without Delay and at
 the least possible Expense, the Commissioners shall cause to be
 made out, and to be signed by their Secretary, Maps or Plans and
 10 Schedules of the Lands, (for the Purchase of which, or of all the
 several Interests in which, the Commissioners shall not have con-
 tracted,) together with the Names of the Owners or reputed Owners,
 Lessees or reputed Lessees, and Occupiers of the said Lands respec-
 tively, so far as the same can be reasonably ascertained, with
 15 Estimates of the separate and distinct Value of the Interest of
 every Party therein whose Interest the Commissioners shall not have
 contracted to purchase, so far as the same can be reasonably ascer-
 tained; and every such Map or Plan shall be upon a Scale of not
 less than One Inch to every Two hundred Feet; and all Lands,
 20 Buildings, Yards, and Courtyards, and Lands within the Curtilage of
 any Building and Ground, cultivated as a Garden, shall be marked
 thereon with distinct Numbers corresponding with the Numbers
 marked upon the Map or Plan herein-before referred to, showing
 the Lands required for the Site of the said intended Prison, and the
 25 Lands and Premises to be occupied therewith; and the Commis-
 sioners shall deposit such Maps or Plans, Schedules, and Esti-
 mates at the Office of the Directors of Convict Prisons, Dublin
 Castle, and a Copy of such Maps or Plans, Schedules, and Estimates
 with the Clerk of the Peace of the County of Dublin, and a Copy
 30 of the said Maps or Plans, Schedules, and Estimates with the
 Clerk of the Poor Law Union in which the said Parish of Lusk is
 included.

Commission-
 ers to deliver
 Maps, Sche-
 dules, and
 Estimates
 at the Office
 of the Di-
 rectors of
 Convict
 Prisons,
 Dublin
 Castle, and
 deposit
 Copies with
 Clerk of the
 Peace and
 Clerk of
 Union.

- VII. After such Deposit at the Office of the Directors of Convict
 Prisons as aforesaid, it shall be lawful for the Lord Lieutenant, upon
 35 the Application of the Commissioners, to appoint a fit Person
 to be Arbitrator under this Act; and if any such Arbitrator
 die, or refuse or become incapable to act, the Lord Lieutenant
 may appoint an Arbitrator in his Place, who shall have the same
 Powers and Authorities as the Arbitrator first appointed.

Lord Lieute-
 nant to
 appoint an
 Arbitrator,
 on Applica-
 tion of Com-
 missioners,
 for execut-
 ing this
 Act.

Arbitrator
may call for
Documents
and admin-
ister Oaths.

VIII. The Arbitrator may call for the Production of any Documents in the Possession or Power of the Commissioners or of any Party making any Claim under the Provisions of this Act which such Arbitrator may think necessary for determining any Question or Matter to be determined by him under this Act, and may examine 5 any such Party and his Witnesses, and the Witnesses for the Commissioners, on Oath, and administer the Oaths necessary for that Purpose.

Arbitrator
make and
subscribe
Declaration.

IX. Before any Arbitrator shall enter upon any Inquiry he shall, in the Presence of a Justice of the Peace, make and subscribe the 10 following Declaration ; that is to say,

‘ I A. B. do solemnly and sincerely declare, That I will faithfully and honestly, and to the best of my Skill and Ability, hear and determine the Matters referred to me under the Provisions of ‘ “ The Juvenile Convict Prisons Act, 1856.”

15

‘ Made and subscribed in the Presence of

And such Declaration shall be annexed to the Award when made ; and if any Arbitrator, having made such Declaration, wilfully act contrary thereto, he shall be guilty of a Misdemeanor.

Maps, &c.
deposited
with Direc-
tors of Con-
vict Prisons
to be deli-
vered to Ar-
bitrator.

Notice of
Appoint-
ment of Ar-
bitrator, &c.
to be pub-
lished.

X. Upon the First Appointment of an Arbitrator as aforesaid the 20 Directors of Convict Prisons shall deliver to such Arbitrator the Maps or Plans, Schedules, and Estimates deposited at their Office as herein-before required ; and the Commissioners shall forthwith after such Appointment publish Notice of such Appointment and of such Deposits as herein-before directed with such Clerk of the Peace 25 and Clerk of Poor Law Union as aforesaid once in the “ Dublin Gazette,” and once in each of Three successive Weeks in some one and the same Newspaper circulated in the County of Dublin, stating the Times and Places of such Deposits, and requiring all Persons claiming to have any Right to or Interest in the Lands required for 30 the Purposes of this Act and specified in such Maps or Plans, or to have Compensation for any Injury to any Lands injuriously affected by the Exercise of the Powers of the Commissioners, to deliver to the Arbitrator, on or before a Day fixed by the Arbitrator and named in such Notice (and which Day shall not be earlier than 35 *Thirty-one* Days from the Date of the Insertion of the last of such Newspaper Notices), a short Statement in Writing of the Nature of such Claim ; and upon the Appointment of any Arbitrator in the Place of an Arbitrator dying, or refusing, declining, or becoming incapable to act, all the Documents relating to the Matter of the Arbi- 40 tration which were in the Possession of such Arbitrator shall be delivered to the Arbitrator appointed in his Place, and the Commis-
sioners

sioners shall publish Notice of such Appointment in the "Dublin Gazette."

- XI. The Arbitrator shall, after the Expiration of the Period within which such Claims are required to be delivered to him as
5 aforesaid, proceed to inquire into and adjudicate upon the Value of the several Interests in such Lands in respect of which no Agreement shall have been come to between the Commissioners and the Persons entitled thereto, and the Purchase Money to be paid for such Interests, and the Compensation to be paid for Injury to any
10 Lands injuriously affected by the Exercise of the Powers of the Commissioners, regard being had by the Arbitrator to such Provisions of the "Lands Clauses Consolidation Act, 1845," as may be applicable to and as are not inconsistent with or modified by the Provisions of this Act; and the Arbitrator shall, after due
15 Inquiry and Examination, frame a Draft Award setting forth the Price or Compensation to be paid by the Commissioners in respect of the several Interests in the Lands so required and specified or injuriously affected; and where any Inquiry relates, not only to the Value of the Interest in the Lands to be purchased, but also
20 to Compensation claimed for Injury done or to be done to any Lands held therewith, the Arbitrator shall award separate and distinct Sums to be paid for the Purchase of any Interest in such Lands, to which the Inquiry may relate, and for the Damage (if any) to be sustained by reason of the severing of the Lands taken from the
25 other Lands, or otherwise injuriously affecting such other Lands by the Exercise of the Powers of the Commissioners; and such Draft Award and Copies thereof shall be deposited as herein-before directed concerning the said Maps or Plans, Schedules, and Estimates as aforesaid; and the Arbitrator shall cause Notice of such Award to be
30 given to all Persons entitled to Payment or Compensation under the same, or who shall have been heard before such Arbitrator as Claimants for Compensation, and also shall cause Notice to be published as herein-before directed concerning Notice of the Deposit of Copies of the said Maps or Plans, Schedules, and Estimates as aforesaid, and of the Deposit of Copies of such Draft Award as aforesaid,
35 and shall in such Notices appoint a Time and Place or Times and Places for holding a Meeting or Meetings to hear Objections against such Draft Award (the First such Meeting to be not earlier than *Twenty-one* Days after the last Day of Publication of the said Notice),
40 and shall hold such Meeting or Meetings accordingly, and thereat hear and determine any Objections which may then and there be made to such Draft Award by any Person interested therein, or adjourn the further Hearing thereof, if the Arbitrator see fit, to

Arbitrator to
adjudicate
upon Com-
pensation to
be paid for
Lands.

a future Meeting, and may take any Measures which he may deem proper for ascertaining the Value of any such Interests as aforesaid, or the Justice or Propriety of any other Matter of such Draft Award, and may from Time to Time, if he see Occasion, appoint and hold further Meetings for hearing and determining 5 Objections to such Draft Award, of which further Meetings, when not holden by Adjournment, Notice shall be given in manner herein-before directed; and when the Arbitrator has heard and determined all such Objections, and made such Inquiries as he may think necessary in relation thereto, and made such Alterations (if any) as he may deem 10 proper in the Draft Award, he shall make his Award under his Hand and Seal accordingly; and every such Award shall be binding and conclusive, subject to the Provisions concerning Traverse herein-after contained, upon all Persons whomsoever; and no such Award shall be set aside for Irregularity in Matter of Form; and every such Award, 15 and Copies thereof, shall be deposited as herein-before directed with respect to the said Maps or Plans, Schedules, and Estimates as aforesaid; and the Commissioners shall thereupon publish Notice as herein-before directed concerning Notice of the Deposit of Copies of such Maps or Plans, Schedules, and Estimates as aforesaid, of the Deposit of Copies 20 of such Award as aforesaid, and requiring all Persons claiming to have any Right to or Interest in the Lands the Price or Compensation to be paid in respect of which is ascertained by such Award to deliver to the Commissioners, on or before a Day to be named in such Notice (such Day not being earlier than *Thirty-one* Days from the Date of 25 the last Publication of the Notice), a short Statement in Writing of the Nature of such Claim, and a short Abstract of the Title on which the same is founded, and such Statement and Abstract shall be paid for by the Commissioners.

Clerk of the Peace and Clerk of Union required to take charge of Documents deposited as provided by 7 W. 4. & 1 Vict. c. 83.

XII. The Clerk of the Peace and the Clerk of the Union aforesaid 30 are hereby respectively required to retain the Documents to be deposited with them respectively under this Act in their Custody, and to permit all Persons interested to inspect the same, and to make Copies and Extracts of and from the same, in the like Manner, and upon the like Terms, and under the like Penalty for Default, as is provided by 35 an Act of the Session holden in the Seventh Year of King William the Fourth and First Year of Her present Majesty, Chapter Eighty-three.

Expenses of the Arbitrator to be borne by the Commissioners.

XIII. The Salary or Remuneration, travelling and other Expenses of the Arbitrator, and all Costs, Charges, and Expenses (if 40 any) which shall be incurred in carrying the Provisions of this Act into execution, shall be paid by the Commissioners; and the Amount of

of such Costs, Charges, and Expenses shall from Time to Time be certified by the Under Secretary at Dublin Castle, after first hearing any Objections that may be made to the Reasonableness of any such Costs, Charges, and Expenses, by or on behalf of the Commissioners.

- 5 XIV. It shall be lawful for the Arbitrator, where he thinks fit, upon the Request of any Party by whom any Claim has been made before him, to certify the Amount of the Costs properly incurred by such Party in relation to the Arbitration, and the Amount of the Costs so certified shall be paid by the Commissioners. Costs of Parties.
- 10 XV. Within *Thirty Days* from the Delivery of such Statement and Abstract as aforesaid to the Commissioners, the Commissioners shall, where it appears to them that any Person so claiming is absolutely entitled to the Lands, Estate, or Interest claimed by him, deliver to such Person, on Demand, a Certificate under the Com- Certificates of Amount of Compensation to be delivered by Commissioners.
- 15 missioners Seal, stating the Amount of the Price or Compensation to which he is entitled under the said Award; and where more Lands than are included in One Number shall be claimed by the same Person, such Lands or the Interests therein may be included in One Certificate, if the Commissioners think fit, such Certificates to be pre-
- 20 pared by and at the Costs of the Commissioners; and where any Agreement has been entered into in respect of the Value of the Interest of any Person in any Lands, or his Right to Compensation, the Commissioners may, where it appears to them that such Person is absolutely entitled, deliver to such Person a like Certificate.
- 25 XVI. The Commissioners shall, on Demand, pay to the Party to whom any such Certificate is given, or otherwise as herein provided in the Cases herein-after mentioned, the Amount of Monies specified to be payable by such Certificate to the Party to whom or in whose Favour such Certificate is given, his or her Executors, Administrators, Amount mentioned in Certificates to be paid to Parties, on Demand, &c.
- 30 or Assigns; and if the Commissioners wilfully make default in such Payment as aforesaid, then the Party named in such Certificate shall be entitled to enter up Judgment against the Commissioners in the Court of Queen's Bench in Ireland for the Amount of the Sums specified in such Certificate, in the same Manner in all respects as if he
- 35 had been by Warrant of Attorney from the Commissioners authorized to enter up Judgment for the Amount mentioned in the Certificate with Costs, as is usual in like Cases; and all Monies payable under such Certificates, or to be recovered by such Judgments as aforesaid, shall at Law and in Equity be taken as Personal Estate as from
- 40 the Time of the Commissioners entering on any such Lands as aforesaid.

When
Amount
mentioned
in Certifi-
cates is paid
to Parties
Commission-
ers may take
possession.

XVII. When and so soon as the Commissioners have paid to the Party to whom any such Certificate as aforesaid is given, or otherwise as herein provided in the Cases herein-after mentioned, the Amount specified to be payable by such Certificate to the Party to whom or in whose Favour the Certificate is given, his Executors, Adminis- 5 trators, or Assigns, it shall be lawful for the Commissioners, upon obtaining such Receipt as herein-after mentioned, from Time to Time to enter upon any Lands in respect of which such Certificate is given, and thenceforth to hold the same for the Estate or Interest in respect of which the Amount specified in such Certificate was payable. 10

Receipts
duly stamped
to operate as
a Convey-
ance.

XVIII. In every Case in which any Monies are paid by the Commissioners, under the Provisions of this Act, for such Price or Compensation as aforesaid, the Party receiving such Monies shall give to the Commissioners a Receipt for the same, and such Receipt shall have the Effect of a Grant, Release, and Conveyance of all the Estate 15 and Interest of such Party, and of all Parties claiming under or through him, in the Lands in respect of which such Monies are paid, so as such Receipt shall have an ad valorem Stamp of the same Amount impressed thereon in respect of the Purchase Monies mentioned in such Certificate (but exclusive of the Amount of Compensa- 20 tion for Damage by Severance or other Injury) as would have been necessary if such Receipt had been an actual Conveyance of such Estate or Interest, every such Receipt to be prepared by and at the Costs of the Commissioners.

Payment of
Monies
where Par-
ties making
Claims
deemed not
entitled, or
are under
Disability, or
Title not
satisfactorily
deduced.

XIX. If it appear to the Commissioners, from any such Statement 25 and Abstract as aforesaid, or otherwise, that the Party making any such Claim as aforesaid is not absolutely entitled to the Lands, Estate, or Interest in respect of which his Claim is made, or is under any Disability, or if the Title to such Lands, Estate, or Interest be not satisfactorily deduced to the Commissioners, then and in every 30 such Case the Amount to be paid by the Commissioners in respect of such Lands, Estate, or Interest as aforesaid shall be paid and applied as provided by the Clauses of "The Lands Clauses Consoli- dation Act, 1845," with respect to the Purchase Money or Compensa- 35 tion coming to Parties having limited Interests, or prevented from treating, or not making Title.

Where no
Claim made,
or Parties
refuse to
accept Sum
certified,
Money to be
paid into the
Bank.

XX. Where any Person claiming any Right or Interest in any Lands shall refuse to produce his Title to the same, or where the Commissioners have taken possession of any Lands under the Pro- 40 visions of this Act, in respect of the Price or Compensation whereof, or of any Estate or Interest wherein, no Claim has been made within One Year from the Time of the said Commissioners taking posses- sion,

sion, or if any Party to whom any such Certificate has been given or tendered refuse to receive such Certificate, or to accept the Amount therein specified as payable to him, then and in any such Case the Amount payable by the Commissioners in respect of such
 5 Lands, Estate, or Interest, or the Amount specified in such Certificate, shall be paid into the Bank of Ireland, in the Name and with the Privity of the Accountant General of the Court of Chancery in Ireland, in manner provided by the last-mentioned Clauses of "The Lands Clauses Consolidation Act, 1845," and the Amount
 10 so paid into the said Bank shall be accordingly dealt with as by the said Act provided; and no Monies paid into the Bank under this Act shall be liable to Usher's Poundage.

XXI. Nothing herein contained shall prevent the Commissioners from requiring any further Abstract or Evidence of Title respecting
 15 any Lands included in such Award as aforesaid, in addition to the Abstract or Statement herein-before mentioned, if they think fit, so as the same be obtained at the Costs of the said Commissioners.

Nothing to prevent Commissioners requiring further Evidence of Title, at their Costs.

XXII. If from any Reason whatever the Commissioners shall not deliver the Certificate aforesaid to any Party claiming to be entitled
 20 to any Interest in any Lands the Possession whereof has been taken by the Commissioners as aforesaid, then the Right to have a Certificate according to the Provisions of this Act may, at the Costs and Charges of the Commissioners, be enforced by any Party or Parties, by Application to the High Court of Chancery in Ireland in
 25 a summary Way by Petition; and all other Rights and Interests of any Party or Parties arising under the Provisions of this Act may be in like Manner enforced against the said Commissioners by such Application as aforesaid.

Delivery of Certificate may be enforced by Court of Chancery.

XXIII. Where the Commissioners are desirous, for the Purposes
 30 of this Act, of entering upon any Lands before they would be entitled to enter thereon under the Provisions herein-before contained, it shall be lawful for the Commissioners, at any Time after the Arbitrator shall have framed his Draft Award, upon depositing in the Bank of Ireland as herein directed such Sum as the Arbitrator may
 35 certify to be in his Opinion the proper Amount to be so deposited in respect of any Lands authorized to be purchased or taken by the Commissioners, and mentioned in such Draft Award, to enter upon and use such Lands for the Purposes of this Act; and the Arbitrator shall, upon the Request of the Commissioners, at any Time after he
 40 shall have so framed such Draft Award, certify under his Hand the Sum which in his Opinion should be so deposited by the Commissioners in respect of any Lands mentioned in such Draft Award, before they

After Deposit of Draft Award, Commissioners may, upon Deposit of such Amount as Arbitrator may think fit, enter upon Lands.

enter upon and use the same as aforesaid; and the Sum to be so certified shall be the Sum or the Amount of the several Sums set forth in such Draft Award as the Sum or Sums to be paid by the Commissioners in respect of such Lands, or such greater Amount as to the Arbitrator, under the Circumstances of the Case, may seem 5 proper; and, notwithstanding such Entry as aforesaid, all Proceedings for and in relation to the Completion of the Award, the Delivery of Certificates, and other Proceedings under this Act, shall be had and Payments made as if such Entry and Deposit had not been made; provided that the Commissioners shall, where they enter upon any 10 Lands by virtue of this present Provision, pay Interest at the Rate of *Five Pounds* per Centum per Annum upon the Purchase and Compensation Money payable by them in respect of any Lands so entered upon, from the Time of their Entry until the Time of the Payment of such Money and Interest to the Party entitled thereto, or where, 15 under the Provisions of this Act, such Purchase Money or Compensation is required to be paid into the said Bank, then until the same, with such Interest, is paid into such Bank accordingly; and where, under this Provision, Interest is payable on any Purchase or Compensation Money, the Certificate to be delivered by the said Com- 20 missioners in respect thereof shall specify that Interest is so payable, and the same shall be recoverable in like Manner as the Principal Money mentioned in such Certificate.

Commission-
ers to pay
Interest
from Time
of Entry.

Mode of
Deposit.

XXIV. The Money to be deposited as aforesaid in respect of any Lands shall be paid into the Bank of Ireland in the Name and with 25 the Privity of the Accountant General of the Court of Chancery in Ireland, to be placed to his Account there to the Credit of the Commissioners, in the Matter of "The Juvenile Convict Prisons Act, 1856," and of the Lands in respect of which the same is paid, subject to the Control and Disposition of the said Court; and upon such 30 Deposit the Cashier of the said Bank shall give to the Commissioners, or to the Party paying in such Money by their Direction, a Receipt for the same.

Deposit to
remain as a
Security, and
to be applied
under the
Direction of
the Court.

XXV. The Money so deposited as last aforesaid shall remain in the Bank by way of Security to the Parties interested in the Lands 35 which shall so have been entered upon, for the Payment of the Money to become payable by the Commissioners in respect thereof under the Award of the Arbitrator; and the Money so deposited may, on the Application by Petition of the Commissioners, be ordered to be invested in Bank Annuities or Government Securities, and accu- 40 mulated; and upon such Payment as aforesaid by the Commissioners it shall be lawful for the Court of Chancery in Ireland, upon a like Application, to order the Money so deposited, or the Funds in which the

the same shall have been invested, together with the Accumulation thereof, to be repaid or transferred to the Commissioners; or in default of such Payment as aforesaid by the Commissioners, it shall be lawful for the said Court to order the same to be applied, in such
5 Manner as it shall think fit, for the Benefit of the Parties for whose Security the same shall so have been deposited.

XXVI. If at any Time the Commissioners be unable, by reason of the closing of the Office of the Accountant General of the said Court of Chancery, to obtain his Authority in respect of the Payment
10 of any Sum of Money so authorized to be deposited in the Bank of Ireland by way of Security as aforesaid, it shall be lawful for the Commissioners to pay into the Bank, to such Credit as aforesaid, (subject nevertheless to being dealt with as herein provided,) such Sum of Money as the Commissioners shall by some Writing signed by their
15 Secretary or Solicitor for the Time being, addressed to the Governor and Company of the Bank of Ireland, in that Behalf request; and upon any such Payment being made the Cashier of the Bank shall give a Certificate thereof; and in every such Case, within *Ten Days* after the re-opening of the said Accountant General's Office, the
20 Solicitor for the said Commissioners shall there bespeak the Direction for the Payment of such Sum into the Name of the Accountant General; and upon Production of such Direction at the said Bank of Ireland the Money so previously paid in shall be placed to the Credit of the said Accountant General accordingly, and the Receipt
25 for the said Payment be given to the Party making the same in the usual Way, for the Purpose of being filed at the Report Office.

Commissioners may deposit Money by way of Security while the Office of the Accountant General is closed.

XXVII. Where the Party named in any Certificate issued under the Provisions herein-before contained of the Amount of the Price or Compensation ascertained by any Award under this Act (or any
30 Party claiming under the Party so named) shall be dissatisfied with the Amount in such Certificate certified to be payable, and where any Party claiming any Interest in any Monies so paid into Court as aforesaid shall be dissatisfied with the Amount of the Price or Compensation in respect of which such Monies shall be so paid into
35 Court, it shall be lawful for such Party, in the Presenting Term for the County of Dublin next following the giving of such Certificate, or the Payment of such Money into Court, or the making the Award, or where such Term begins within less than *Twenty-one Days* after the giving of such Certificate, or the Payment of such Money, or the
40 making of the Award, then in the next subsequent Term, upon giving *Ten Days Notice* in Writing previously to such Term to the Secretary of the Commissioners of the Amount intended to be claimed, to have a Traverse for Damages entered in the Crown Book in respect

Parties dissatisfied with Award may enter a Traverse.

of such Claim, and thereupon such Traverse shall be tried in like Manner, and like Proceedings shall be had in respect thereof, and such Traverse shall be subject to like Provisions, as far as the same can be applied, as in the Case of Traverses entered for Damages under the Acts for consolidating and amending the Laws for the Regulation of Grand Jury Presentments in the County of Dublin: Provided always, that the Sum to be awarded or allowed as to the Costs, Charges, and Expenses of the Trial of every such Traverse for Damages shall in no Case exceed the Sum of *Twenty Pounds*; and further, that no Party shall have any other Remedy for the Purpose of impeaching the Amount of any Price or Compensation ascertained by any such Award as aforesaid, other than by means of such Traverse as aforesaid, anything in any Act to the contrary notwithstanding: Provided also, that the Jury which shall try such Traverse shall be sworn a true Verdict to give, whether any and what Damages will be sustained by the Traverser, regard being had to the Value of the Lands of such Traverser required, and to the Injury to any Lands or Houses of such Traverser injuriously affected by the said Commissioners, or to the like Effect respectively, as the Case may be.

Verdict on
Traverse to
have Effect
of Judgment.

XXVIII. The Entry of the Verdict of the Jury in case of each Traverse in the Crown Book shall be a final Decision, and binding upon all Parties interested, and shall have the Effect of a Judgment at Law obtained in the Court of Queen's Bench in Ireland against the Commissioners, and may be enforced by like Remedies against the Commissioners as in the Case of a Judgment at Law by all Parties interested therein; and in each Case where a Certificate shall have been delivered such Damages shall be taken and recovered in lieu of the Monies expressed to be payable by the Certificate, and which shall, on Payment of the Damages, and any Costs payable by the Commissioners, be delivered up to the Commissioners; and such Receipt for Damages shall be given as is herein provided in Cases of Payment of Monies on such Certificates as aforesaid; and where such Damages shall be given in respect of any Land the Amount of the Price or Compensation in respect of which, as ascertained by an Award under this Act, shall have been paid into Court, then, if the Amount of such Damages shall be less than the Amount paid into Court, the Commissioners shall, on a summary Application by Petition, be entitled to receive the Difference between the Amount of such Damages and the Amount of the Sum paid into Court; but if the Amount of such Damages shall exceed the Amount of the Monies paid into Court, then the Difference between the Amount paid in and the Damages shall, at the Costs of the Commissioners, be paid into Court; and the Payment of such Difference into

into Court, and the Payment of any Costs payable by the Commissioners in respect of such Traverse, shall be a good Discharge to the Commissioners on any such Verdict in the Nature of a Judgment as aforesaid.

- 5 XXIX. It shall be lawful for the Commissioners, for the Purpose of enclosing any Land which they shall have taken under the Provisions of this Act, to stop up, divert, or alter all or any of the Ways, Paths, or Watercourses which now lead into or over any Part or Parts of the said Lands.

Power to
stop up
indirect
Water-
courses, &c.

SCHEDULE to which this Act refers.

*The Parish of Lusk in the Barony of Balrothery East and
County of Dublin.*

No. on Plan.	Description of Property.	Owners or reputed Owners.	Lessees or reputed Lessees.	Occupiers.
1	Pasture Land (Commonage), interspersed with Furze, Knolls, Pits, &c.	Lord of the Manor, Archbishop of Dublin or the Earl of Howth.	- - -	Arthur Forbes, Mark Taylor, Christopher Archbold, and others -
2	Small Cottage or Cabin -	Same - -	- - -	Christopher Dunn.
3	Small Fields in Pasture -	Same - -	- - -	Robert Aungier.
4	Two small Fields in Pasture	Same - -	- - -	Michael Fleming.
5	Cottage and small Garden	Same - -	- - -	Catharine Stafford, Widow.
6	Cottage and small Garden	Same - -	- - -	Patrick Kiernan.
7	Small Cottage or Cabin -	Same - -	- - -	John Reilly.
8	Cottage and small Garden	Same - -	- - -	Thomas Moore.
9	Cottage, Garden, and small Field in Tillage	Same - -	- - -	James Doran.
10	Small Field in Tillage -	Same - -	- - -	John Sweetman.
11	Cottage, Garden, and small Field in Tillage.	Same - -	-	Jane M'Carroll.

} Freeholders of the
Parish of Lusk.

Juvenile Convict Prison
(Ireland).

A

B I L L

For enabling the Commissioners of Public
Works in Ireland to acquire certain
Lands for the Site of a Prison for the
Reception of Juvenile Convicts.

(Prepared and brought in by
Mr. Horsman and Mr. Solicitor General for Ireland).

Ordered, by The House of Commons, to be Printed,
12 February 1856.

[Bill 28.]
Under 3 oz.

Juvenile Convict Prison (Ireland) Bill.

ARRANGEMENT OF CLAUSES.

Preamble.

Construction of Terms ; Sect. 1.

Short Title ; 2.

Provisions of 10 Vict. cap. 26, except Section 4, and Lands Clauses Consolidation Act, 1845, extended to this Act ; 3.

Power to purchase Land and erect a Prison thereon ; 4.

Limiting Time for compulsory Purchase of Lands ; 5.

Commissioners to deliver Maps, Schedules, and Estimates at the Office of the Directors of Convict Prisons, Dublin Castle, and deposit Copies with Clerk of the Peace and Clerk of Union ; 6.

Lord Lieutenant to appoint an Arbitrator, on Application of Commissioners for executing this Act ; 7.

Arbitrator may call for Documents and administer Oaths ; 8.

Arbitrator to make and subscribe Declaration ; 9.

Maps, &c., deposited with Directors of Convict Prisons to be delivered to Arbitrator. Notice of Appointment of Arbitration, &c., to be published ; 10.

Arbitrator to adjudicate upon Compensation to be paid for Lands ; 11.

Clerk of the Peace and Clerk of Union required to take charge of Documents deposited as provided by 7 W. 4. & 1 Vict. c. 83 ; 12.

Expenses of the Arbitrator to be borne by the Commissioners ; 13.

Costs of Parties ; 14.

Certificates of Amount of Compensation to be delivered by Commissioners ; 15.

Amount mentioned in Certificates to be paid to Parties, on Demand, &c. ; 16.

When Amount mentioned in Certificates is paid to Parties, Commissioners may take possession ; 17.

Receipts duly stamped to operate as a Conveyance ; 18.

Payment of Monies, where Parties making Claims deemed not entitled, or are under Disability, or Title not satisfactorily deduced ; 19.

When no Claim made, or Parties refuse to accept Sum certified, Money to be paid into the Bank ; 20.

Nothing to prevent Commissioners requiring further Evidence of Title, at their Costs ; 21.

Delivery of Certificate may be enforced by Court of Chancery ; 22.

After Deposit of Draft Award, Commissioners may, upon Deposit of such Amount as Arbitrator may think fit, enter upon Lands.

Commissioners to pay Interest from Time of Entry ; 23.

Mode of Deposit ; 24.

Deposit to remain as a Security, and to be applied under the Direction of the Court ; 25.

Commissioners may deposit Money by Way of Security while the Office of the Accountant General is closed ; 26.

Parties dissatisfied with Award may enter a Traverse ; 27.

Verdict on Traverse to have Effect of Judgment ; 28.

Power to stop up or divert Watercourses, &c. ; 29.

Expense of Site for Prison and for obtaining Act ; 30.

1 May 1856. 19 VICT.



(Ireland.)

A

B I L L

[AS AMENDED BY THE SELECT COMMITTEE]

FOR

Enabling the Commissioners of Public Works in
Ireland to acquire certain Lands for the Site of
a Prison for the Reception of Juvenile Convicts.

WHEREAS by an Act passed in the Session of the Tenth Year of Her present Majesty, Chapter Twenty-six, the Commissioners of Public Works in Ireland were incorporated, and authorized to purchase, as therein mentioned, Land
5 for Prisons in Ireland: And whereas it is expedient to erect a suitable Prison for the Reception of Juvenile Convicts in Ireland, and certain Lands called the "Racecourse Commons," situate in the Parish of Lusk in the Barony of Balrothery East and County of Dublin, which are no longer used for a Racecourse, and are now lying
10 waste and unproductive, would be a suitable Site for such Prison and the Purposes connected therewith, which Lands are described in the Schedule to this Act, and delineated on a Plan thereof, of which Copies have been deposited for public Inspection at the Office of the Clerk of the Peace for the County of Dublin: And whereas it is
15 expedient that the said Commissioners should obtain compulsory Powers for the Purchase of the Estate, Interest, and Rights of all Persons in the said last-mentioned Lands; but the same cannot be
[Bill 117.] A effected

Preamble.
10 Vict.
c. 26.

effected without the Authority of Parliament: May it therefore please Your Majesty that it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Construc-
tion of
Terms.

I. In the Construction of this Act the following Words and Expressions shall, if not inconsistent with the Context, have the Meaning herein-after assigned to them; (that is to say,) the Word "Commissioners" shall mean the Commissioners of Public Works 10 in Ireland, or any Two of them; "Lord Lieutenant" shall mean the Chief Governor or Chief Governors of Ireland for the Time being; and "Lands" shall include Houses and Tenements and all Estates and Interests therein.

Short Title.

II. This Act may be cited for all Purposes as "The Juvenile 15 Convict Prisons Act, 1856."

Provisions of
10 Vict. c. 26.,
except Sec-
tion 4., and
Lands
Clauses Con-
solidation
Act, 1845,
extended to
this Act.

III. The several Provisions of the said recited Act passed in the Tenth Year of Her present Majesty, Chapter Twenty-six, except Section Four, and the several Provisions of "The Lands Clauses Con- 20 solidation Act, 1845," shall, so far as the same may be applicable to and are not inconsistent with or modified by the Provisions of this Act, be incorporated with and form Part of this Act, and shall be applicable to the Purposes thereof: and in the Construction of this Act, and the said incorporated Act, this Act shall be deemed to be the Special Act: Provided always, that all Things by the Lands Clauses Consoli- 25 dation Act, 1845, required or authorized to be done by the Promoters of the Undertaking may be done by any Two of the Commissioners.

Power to
purchase
Land, and
erect a
Prison
thereon.

IV. It shall be lawful for the Commissioners, with the Approval and under the Direction of the Commissioners of Her Majesty's Treasury, and subject to the Provisions herein and in the "Lands 30 Clauses Consolidation Act, 1845," contained, to purchase, compulsorily or by Agreement, and hold, the whole or any Part of the Lands mentioned and described in the Schedule to this Act annexed, and delineated on the Map or Plan deposited as afore- said, which shall be required for the Site of the said Prison, and the 35 Lands and Premises to be occupied therewith, and to erect, establish, and maintain thereon or any Part thereof a Prison for the Reception of Juvenile Convicts, with all necessary Enclosures and Erections, and to lay out the same with all such Paths and Roads as the Commissioners may deem necessary, and after the Completion of such 40

Purchase

Purchase all Commonable Rights in, over, or affecting the said Lands shall be extinguished, and the said Lands shall be vested in the said Commissioners in trust for Her Majesty, Her Heirs and Successors.

- 5 V. The Powers of the Commissioners for the compulsory Purchase or taking of Lands shall not be exercised after the Expiration of *Five* Years from the passing of this Act.

Limiting Time for compulsory Purchase of Lands.

- VI. In order to acquire the said Lands without Delay and at the least possible Expense, the Commissioners shall cause to be
10 made out, and to be signed by their Secretary, Maps or Plans and Schedules of the Lands, (for the Purchase of which, or of all the several Interests in which, the Commissioners shall not have contracted,) together with the Names of the Owners or reputed Owners, Lessees or reputed Lessees, and Occupiers of the said Lands respec-
15 tively, so far as the same can be reasonably ascertained, with Estimates of the separate and distinct Value of the Interest of every Party therein whose Interest the Commissioners shall not have contracted to purchase, so far as the same can be reasonably ascer-
20 tained; and every such Map or Plan shall be upon a Scale of not less than One Inch to every Two hundred Feet; and all Lands, Buildings, Yards, and Courtyards, and Lands within the Curtilage of any Building and Ground, cultivated as a Garden, shall be marked thereon with distinct Numbers corresponding with the Numbers marked upon the Map or Plan herein-before referred to, showing
25 the Lands required for the Site of the said intended Prison, and the Lands and Premises to be occupied therewith; and the Commissioners shall deposit such Maps or Plans, Schedules, and Estimates at the Office of the Directors of Convict Prisons, Dublin Castle, and a Copy of such Maps or Plans, Schedules, and Estimates
30 with the Clerk of the Peace of the County of Dublin, and a Copy of the said Maps or Plans, Schedules, and Estimates with the Clerk of the Poor Law Union in which the said Parish of Lusk is included.

Commissioners to deliver Maps, Schedules, and Estimates at the Office of the Directors of Convict Prisons, Dublin Castle, and deposit Copies with Clerk of the Peace and Clerk of Union.

- VII. After such Deposit at the Office of the Directors of Convict
35 Prisons as aforesaid, it shall be lawful for the Lord Lieutenant, upon the Application of the Commissioners, to appoint a fit Person to be Arbitrator under this Act; and if any such Arbitrator die, or refuse or become incapable to act, the Lord Lieutenant may appoint an Arbitrator in his Place, who shall have the same
40 Powers and Authorities as the Arbitrator first appointed.

Lord Lieutenant to appoint an Arbitrator, on Application of Commissioners, for executing this Act.

Arbitrator
may call for
Documents
and admin-
ister Oaths.

VIII. The Arbitrator may call for the Production of any Documents in the Possession or Power of the Commissioners or of any Party making any Claim under the Provisions of this Act which such Arbitrator may think necessary for determining any Question or Matter to be determined by him under this Act, and may examine 5 any such Party and his Witnesses, and the Witnesses for the Commissioners, on Oath, and administer the Oaths necessary for that Purpose.

Arbitrator
to make and
subscribe
Declaration.

IX. Before any Arbitrator shall enter upon any Inquiry he shall, in the Presence of a Justice of the Peace, make and subscribe the 10 following Declaration ; that is to say,

‘ I *A. B.* do solemnly and sincerely declare, That I will faithfully
‘ and honestly, and to the best of my Skill and Ability, hear
‘ and determine the Matters referred to me under the Provisions of
‘ “The Juvenile Convict Prisons Act, 1856.”

15

‘ Made and subscribed in the Presence of

And such Declaration shall be annexed to the Award when made ; and if any Arbitrator, having made such Declaration, wilfully act contrary thereto, he shall be guilty of a Misdemeanor.

Maps, &c.
deposited
with Direc-
tors of Con-
vict Prisons
to be deli-
vered to Ar-
bitrator.

Notice of
Appoint-
ment of Ar-
bitrator, &c.
to be pub-
lished.

X. Upon the First Appointment of an Arbitrator as aforesaid the 20 Directors of Convict Prisons shall deliver to such Arbitrator the Maps or Plans, Schedules, and Estimates deposited at their Office as herein-before required ; and the Commissioners shall forthwith after such Appointment publish Notice of such Appointment and of such Deposits as herein-before directed with such Clerk of the Peace 25 and Clerk of Poor Law Union as aforesaid once in the “Dublin Gazette,” and once in each of Three successive Weeks in some one and the same Newspaper circulated in the County of Dublin, stating the Times and Places of such Deposits, and requiring all Persons claiming to have any Right to or Interest in the Lands required for 30 the Purposes of this Act and specified in such Maps or Plans, or to have Compensation for any Injury to any Lands injuriously affected by the Exercise of the Powers of the Commissioners, to deliver to the Arbitrator, on or before a Day fixed by the Arbitrator and named in such Notice (and which Day shall not be earlier than 35 *Thirty-one* Days from the Date of the Insertion of the last of such Newspaper Notices), a short Statement in Writing of the Nature of such Claim ; and upon the Appointment of any Arbitrator in the Place of an Arbitrator dying, or refusing, declining, or becoming incapable to act, all the Documents relating to the Matter of the Arbi- 40 tration which were in the Possession of such Arbitrator shall be delivered to the Arbitrator appointed in his Place, and the Commis-
sioners

sioners shall publish Notice of such Appointment in the "Dublin Gazette."

- XI. The Arbitrator shall, after the Expiration of the Period within which such Claims are required to be delivered to him as
5 aforesaid, proceed to inquire into and adjudicate upon the Value of the several Rights to or Interests in such Lands in respect of which no Agreement shall have been come to between the Commissioners and the Persons entitled thereto, and the Purchase Money to be paid for such Rights or Interests, and the Compensation to be paid for In-
10 jury to any Lands injuriously affected by the Exercise of the Powers of the Commissioners, regard being had by the Arbitrator to such Provisions of the "Lands Clauses Consolidation Act, 1845," as may be applicable to and as are not inconsistent with or modified by the Provisions of this Act; and the Arbitrator shall, after due
15 Inquiry and Examination, frame a Draft Award setting forth the Price or Compensation to be paid by the Commissioners in respect of the several Rights to or Interests in the Lands so required and specified or injuriously affected; and where any Inquiry relates, not only to the Value of the Rights or Interests in the Lands to be purchased, but also
20 to Compensation claimed for Injury done or to be done to any Lands held therewith, the Arbitrator shall award separate and distinct Sums to be paid for the Purchase of any Rights or Interests in such Lands, to which the Inquiry may relate, and for the Damage (if any) to be sustained by reason of the severing of the Lands taken from the
25 other Lands, or otherwise injuriously affecting such other Lands by the Exercise of the Powers of the Commissioners; and such Draft Award and Copies thereof shall be deposited as herein-before directed concerning the said Maps or Plans, Schedules, and Estimates as aforesaid; and the Arbitrator shall cause Notice of such Award to be
30 given to all Persons entitled to Payment or Compensation under the same, where the same may be known to the Arbitrator, or who shall have been heard before such Arbitrator, as Claimants for Compensation, and also shall cause Notice to be published as herein-before directed concerning Notice of the Deposit of Copies of the
35 said Maps or Plans, Schedules, and Estimates as aforesaid, and of the Deposit of Copies of such Draft Award as aforesaid, and shall in such Notices appoint a Time and Place or Times and Places for holding a Meeting or Meetings to hear Objections against such Draft Award (the First such Meeting to be not earlier than *Twenty-*
40 *one* Days after the last Day of Publication of the said Notice), and shall hold such Meeting or Meetings accordingly, and thereat hear and determine any Objections which may then and there be made to such Draft Award by any Person interested therein, or

Arbitrator to
adjudicate
upon Com-
pensation to
be paid for
Lands.

adjourn the further Hearing thereof, if the Arbitrator see fit, to a future Meeting, and may take any Measures which he may deem proper for ascertaining the Value of any such Rights or Interests as aforesaid, or the Justice or Propriety of any other Matter of such Draft Award, and may from Time to Time, if he see Occasion, 5 appoint and hold further Meetings for hearing and determining Objections to such Draft Award, of which further Meetings, when not holden by Adjournment, Notice shall be given in manner herein-before directed; and when the Arbitrator has heard and determined all such Objections, and made such Inquiries as he may think necessary in 10 relation thereto, and made such Alterations (if any) as he may deem proper in the Draft Award, he shall make his Award under his Hand and Seal accordingly; and every such Award shall be binding and conclusive, subject to the Provisions concerning Traverse herein-after contained, upon all Persons whomsoever; and no such Award shall be 15 set aside for Irregularity in Matter of Form; and every such Award, and Copies thereof, shall be deposited as herein-before directed with respect to the said Maps or Plans, Schedules, and Estimates as aforesaid; and the Commissioners shall thereupon publish Notice as herein-before directed concerning Notice of the Deposit of Copies of such Maps or 20 Plans, Schedules, and Estimates as aforesaid, of the Deposit of Copies of such Award as aforesaid, and requiring all Persons claiming to have any Right to or Interest in the Lands the Price or Compensation to be paid in respect of which is ascertained by such Award to deliver to the Commissioners, on or before a Day to be named in such Notice 25 (such Day not being earlier than *Thirty-one* Days from the Date of the last Publication of the Notice), a short Statement in Writing of the Nature of such Claim, and a short Abstract of the Title on which the same is founded, and such Statement and Abstract shall be paid for by the Commissioners. 30

Clerk of the Peace and Clerk of Union required to take charge of Documents deposited as provided by 7 W. 4. & 1 Vict. c. 83.

XII. The Clerk of the Peace and the Clerk of the Union aforesaid are hereby respectively required to retain the Documents to be deposited with them respectively under this Act in their Custody, and to permit all Persons interested to inspect the same, and to make Copies and Extracts of and from the same, in the like Manner, and upon the 35 like Terms, and under the like Penalty for Default, as is provided by an Act of the Session holden in the Seventh Year of King William the Fourth and First Year of Her present Majesty, Chapter Eighty-three.

Expenses of the Arbitrator to be borne by the Commissioners.

XIII. The Salary or Remuneration, travelling and other Ex- 40 penses of the Arbitrator, and all Costs, Charges, and Expenses (if any) which shall be incurred in carrying the Provisions of this Act into

into execution, shall be paid by the Commissioners ; and the Amount of such Costs, Charges, and Expenses shall from Time to Time be certified by the Chief or Under Secretary at Dublin Castle, after first hearing any Objections that may be made to the Reasonableness of any such
5 Costs, Charges, and Expenses, by or on behalf of the Commissioners.

XIV. It shall be lawful for the Arbitrator, where he thinks fit, upon the Request of any Party by whom any Claim has been made before him, to certify the Amount of the Costs properly incurred by such Party in relation to the Arbitration, and the Amount of the Costs
10 so certified shall be paid by the Commissioners.

Costs of Parties.

XV. At any Time after the Delivery of such Statement and Abstract as aforesaid to the Commissioners, the Commissioners shall, where it appears to them that any Person so claiming is absolutely entitled to the Lands, Estate, Rights, or Interest claimed by him,
15 deliver to such Person, on Demand, a Certificate under the Commissioners Seal, stating the Amount of the Price or Compensation to which he is entitled under the said Award ; and where more Lands than are included in One Number shall be claimed by the same Person, such Lands or the Rights or Interests therein may be included in One
20 Certificate, if the Commissioners think fit, such Certificates to be prepared by and at the Costs of the Commissioners ; and where any Agreement has been entered into in respect of the Value of the Rights or Interest of any Person in any Lands, or his Right to Compensation, the Commissioners may, where it appears to them that such Person is
25 absolutely entitled, deliver to such Person a like Certificate.

Certificates of Amount of Compensation to be delivered by Commissioners.

XVI. The Commissioners shall, on Demand, pay to the Party to whom any such Certificate is given, or otherwise as herein provided in the Cases herein-after mentioned, the Amount of Monies specified to be payable by such Certificate to the Party to whom or in whose
30 Favour such Certificate is given, his or her Executors, Administrators, or Assigns ; and if the Commissioners wilfully make default in such Payment as aforesaid, then the Party named in such Certificate shall be entitled to enter up Judgment against the Commissioners in the Court of Queen's Bench in Ireland for the Amount of the Sums
35 specified in such Certificate, in the same Manner in all respects as if he had been by Warrant of Attorney from the Commissioners authorized to enter up Judgment for the Amount mentioned in the Certificate with Costs, as is usual in like Cases ; and all Monies payable under such Certificates, or to be recovered by such Judgments as aforesaid,
40 shall at Law and in Equity be taken as Personal Estate as from the Time of the Commissioners entering on any such Lands as aforesaid.

Amount mentioned in Certificates to be paid to Parties, on Demand, &c.

When
Amount
mentioned
in Certifi-
cates is paid
to Parties
Commission-
ers may take
possession.

XVII. When and so soon as the Commissioners have paid to the Party to whom any such Certificate as aforesaid is given, or otherwise as herein provided in the Cases herein-after mentioned, the Amount specified to be payable by such Certificate to the Party to whom or in whose Favour the Certificate is given, his Executors, Adminis- 5 trators, or Assigns, it shall be lawful for the Commissioners, upon obtaining such Receipt as herein-after mentioned, from Time to Time to enter upon any Lands in respect of which such Certificate is given, and thenceforth to hold the same for the Estate or Interest in respect of which the Amount specified in such Certificate was payable. 10

Receipts
duly stamped
to operate as
a Convey-
ance.

XVIII. In every Case in which any Monies are paid by the Commissioners, under the Provisions of this Act, for such Price or Compensation as aforesaid, the Party receiving such Monies shall give to the Commissioners a Receipt for the same, and such Receipt shall have the Effect of a Grant, Release, and Conveyance of all the Estate, 15 Right, and Interest of such Party, and of all Parties claiming under or through him, in the Lands in respect of which such Monies are paid, so as such Receipt shall have an ad valorem Stamp of the same Amount impressed thereon in respect of the Purchase Monies mentioned in such Certificate (but exclusive of the Amount of Compen- 20 sation for Damage by Severance or other Injury) as would have been necessary if such Receipt had been an actual Conveyance of such Estate, Right, or Interest, every such Receipt to be prepared by and at the Costs of the Commissioners.

Payment of
Monies
where Par-
ties making
Claims
deemed not
entitled, or
are under
Disability, or
Title not
satisfactorily
deduced.

XIX. If it appear to the Commissioners, from any such Statement 25 and Abstract as aforesaid, or otherwise, that the Party making any such Claim as aforesaid is not absolutely entitled to the Lands, Estate, Right, or Interest in respect of which his Claim is made, or is under any Disability, or if the Title to such Lands, Estate, Right, or Interest be not satisfactorily deduced to the Commissioners free from 30 Incumbrance, then and in every such Case the Amount to be paid by the Commissioners in respect of such Lands, Estate, Right, or Interest as aforesaid shall be paid and applied as provided by the Clauses of "The Lands Clauses Consolidation Act, 1845," with respect to the Purchase Money or Compensation coming to Parties having 35 limited Interests, or prevented from treating, or not making Title.

Where no
Claim made,
or Parties
refuse to
accept Sum
certified,
Money to be
paid into the
Bank.

XX. Where any Person claiming any Right or Interest in any Lands shall refuse to produce his Title to the same, or where the Commissioners have taken possession of any Lands under the Provisions of this Act, in respect of the Price or Compensation whereof, or of any 40 Estate, Right, or Interest wherein, no Claim has been made within One Year from the Time of the said Commissioners taking possession,

sion, or if any Party to whom any such Certificate has been given or tendered refuse to receive such Certificate, or to accept the Amount therein specified as payable to him, then and in any such Case the Amount payable by the Commissioners in respect of such
 5 Lands, Estate, Right or Interest, or the Amount specified in such Certificate, shall be paid into the Bank of Ireland, in the Name and with the Privity of the Accountant General of the Court of Chancery in Ireland, in manner provided by the last-mentioned Clauses of "The Lands Clauses Consolidation Act, 1845," and the Amount
 10 so paid into the said Bank shall be accordingly dealt with as by the said Act provided; and no Monies paid into the Bank under this Act shall be liable to Usher's Poundage.

XXI. Nothing herein contained shall prevent the Commissioners from requiring any further Abstract or Evidence of Title respecting
 15 any Lands included in such Award as aforesaid, in addition to the Abstract or Statement herein-before mentioned, if they think fit, so as the same be obtained at the Costs of the said Commissioners.

Nothing to prevent Commissioners requiring further Evidence of Title, at their Costs.

XXII. If from any Reason whatever the Commissioners shall not deliver the Certificate aforesaid to any Party claiming to be entitled
 20 to any Right or Interest in any Lands the Possession whereof has been taken by the Commissioners as aforesaid, then the Right to have a Certificate according to the Provisions of this Act may, at the Costs and Charges of the Commissioners, be enforced by any Party or Parties, by Application to the High Court of Chancery in Ireland in
 25 a summary Way by Petition; and all other Rights and Interests of any Party or Parties arising under the Provisions of this Act may be in like Manner enforced against the said Commissioners by such Application as aforesaid.

Delivery of Certificate may be enforced by Court of Chancery.

XXIII. Where the Commissioners are desirous, for the Purposes
 30 of this Act, of entering upon any Lands before they would be entitled to enter thereon under the Provisions herein-before contained, it shall be lawful for the Commissioners, at any Time after the Arbitrator shall have framed his Draft Award, upon depositing in the Bank of Ireland as herein directed such Sum as the Arbitrator may
 35 certify to be in his Opinion the proper Amount to be so deposited in respect of any Lands authorized to be purchased or taken by the Commissioners, and mentioned in such Draft Award, to enter upon and use such Lands for the Purposes of this Act; and the Arbitrator shall, upon the Request of the Commissioners, at any Time after he
 40 shall have so framed such Draft Award, certify under his Hand the Sum which in his Opinion should be so deposited by the Commissioners in respect of any Lands mentioned in such Draft Award, before they

After Deposit of Draft Award, Commissioners may, upon Deposit of such Amount as Arbitrator may think fit, enter upon Lands.

Commission-
ers to pay
Interest
from Time
of Entry.

enter upon and use the same as aforesaid; and the Sum to be so certified shall be the Sum or the Amount of the several Sums set forth in such Draft Award as the Sum or Sums to be paid by the Commissioners in respect of such Lands, or such greater Amount as to the Arbitrator, under the Circumstances of the Case, may seem 5 proper; and, notwithstanding such Entry as aforesaid, all Proceedings for and in relation to the Completion of the Award, the Delivery of Certificates, and other Proceedings under this Act, shall be had and Payments made as if such Entry and Deposit had not been made; provided that the Commissioners shall, where they enter upon any 10 Lands by virtue of this present Provision, pay Interest at the Rate of *Five Pounds* per Centum per Annum upon the Purchase and Compensation Money payable by them in respect of any Lands so entered upon, from the Time of their Entry until the Time of the Payment of such Money and Interest to the Party entitled thereto, or where, 15 under the Provisions of this Act, such Purchase Money or Compensation is required to be paid into the said Bank, then until the same, with such Interest, is paid into such Bank accordingly; and where, under this Provision, Interest is payable on any Purchase or Compensation Money, the Certificate to be delivered by the said Com- 20 missioners in respect thereof shall specify that Interest is so payable, and the same shall be recoverable in like Manner as the Principal Money mentioned in such Certificate.

Mode of
Deposit.

XXIV. The Money to be deposited as aforesaid in respect of any Lands shall be paid into the Bank of Ireland in the Name and with 25 the Privy of the Accountant General of the Court of Chancery in Ireland, to be placed to his Account there to the Credit of the Commissioners, in the Matter of "The Juvenile Convict Prisons Act, 1856," and of the Lands in respect of which the same is paid, subject to the Control and Disposition of the said Court; and upon such 30 Deposit the Cashier of the said Bank shall give to the Commissioners, or to the Party paying in such Money by their Direction, a Receipt for the same.

Deposit to
remain as a
Security, and
to be applied
under the
Direction of
the Court.

XXV. The Money so deposited as last aforesaid shall remain in the Bank by way of Security to the Parties interested in the Lands 35 which shall so have been entered upon, for the Payment of the Money to become payable by the Commissioners in respect thereof under the Award of the Arbitrator; and the Money so deposited may, on the Application by Petition of the Commissioners, be ordered to be invested in Bank Annuities or Government Securities, and accu- 40 mulated; and upon such Payment as aforesaid by the Commissioners it shall be lawful for the Court of Chancery in Ireland, upon a like Application, to order the Money so deposited, or the Funds in which the

the same shall have been invested, together with the Accumulation thereof, to be repaid or transferred to the Commissioners; or in default of such Payment as aforesaid by the Commissioners, it shall be lawful for the said Court to order the same to be applied, in such
5 Manner as it shall think fit, for the Benefit of the Parties for whose Security the same shall so have been deposited.

XXVI. If at any Time the Commissioners be unable, by reason of the closing of the Office of the Accountant General of the said Court of Chancery, to obtain his Authority in respect of the Payment
10 of any Sum of Money so authorized to be deposited in the Bank of Ireland by way of Security as aforesaid, it shall be lawful for the Commissioners to pay into the Bank, to such Credit as aforesaid, (subject nevertheless to being dealt with as herein provided,) such Sum of Money as the Commissioners shall by some Writing signed by their
15 Secretary or Solicitor for the Time being, addressed to the Governor and Company of the Bank of Ireland, in that Behalf request; and upon any such Payment being made the Cashier of the Bank shall give a Certificate thereof; and in every such Case, within *Ten* Days after the re-opening of the said Accountant General's Office, the
20 Solicitor for the said Commissioners shall there bespeak the Direction for the Payment of such Sum into the Name of the Accountant General; and upon Production of such Direction at the said Bank of Ireland the Money so previously paid in shall be placed to the Credit of the said Accountant General accordingly, and the Receipt
25 for the said Payment be given to the Party making the same in the usual Way, for the Purpose of being filed at the Report Office.

Commissioners may deposit Money by way of Security while the Office of the Accountant General is closed.

XXVII. Where the Party named in any Certificate issued under the Provisions herein-before contained of the Amount of the Price or Compensation ascertained by any Award under this Act (or any
30 Party claiming under the Party so named) shall be dissatisfied with the Amount in such Certificate certified to be payable, and where any Party claiming any Interest in any Monies so paid into Court as aforesaid shall be dissatisfied with the Amount of the Price or Compensation in respect of which such Monies shall be so paid into
35 Court, it shall be lawful for such Party, in the Presenting Term for the County of Dublin next following the giving of such Certificate, or the Payment of such Money into Court, or the making the Award, or where such Term begins within less than *Twenty-one* Days after the giving of such Certificate, or the Payment of such Money, or the
40 making of the Award, then in the next subsequent Term, upon giving *Ten* Days Notice in Writing previously to such Term to the Secretary of the Commissioners of the Amount intended to be claimed, to have a Traverse for Damages entered in the Crown Book in respect

Parties dissatisfied with Award may enter a Traverse.

of such Claim, and thereupon such Traverse shall be tried in like Manner, and like Proceedings shall be had in respect thereof, and such Traverse shall be subject to like Provisions, as far as the same can be applied, as in the Case of Traverses entered for Damages under the Acts for consolidating and amending the Laws for the Regulation of Grand Jury Presentments in the County of Dublin: 5
 Provided always, that the Sum to be awarded or allowed as to the Costs, Charges, and Expenses of the Trial of every such Traverse for Damages shall in no Case exceed the Sum of *Ten Pounds*; and further, that no Party shall have any other Remedy for 10
 the Purpose of impeaching the Amount of any Price or Compensation ascertained by any such Award as aforesaid, other than by means of such Traverse as aforesaid, anything in any Act to the contrary notwithstanding: Provided also, that the Jury which shall try such Traverse shall be sworn a true Verdict to give, whether any 15
 and what Damages will be sustained by the Traverser, regard being had to the Value of the Lands of such Traverser required, and to the Injury to any Lands or Houses of such Traverser injuriously affected by the said Commissioners, or to the like Effect respectively, as the Case may be. 20

Verdict on
 Traverse to
 have Effect
 of Judgment.

XXVIII. The Entry of the Verdict of the Jury in case of each Traverse in the Crown Book shall be a final Decision, and binding upon all Parties interested, and shall have the Effect of a Judgment at Law obtained in the Court of Queen's Bench in Ireland against the Commissioners, and may be enforced by like Remedies against 25
 the Commissioners as in the Case of a Judgment at Law by all Parties interested therein; and in each Case where a Certificate shall have been delivered such Damages shall be taken and recovered in lieu of the Monies expressed to be payable by the Certificate, and which shall, on Payment of the Damages, and any Costs payable 30
 by the Commissioners, be delivered up to the Commissioners; and such Receipt for Damages shall be given as is herein provided in Cases of Payment of Monies on such Certificates as aforesaid; and where such Damages shall be given in respect of any Land the Amount of the Price or Compensation in respect of which, as 35
 ascertained by an Award under this Act, shall have been paid into Court, then, if the Amount of such Damages shall be less than the Amount paid into Court, the Commissioners shall, on a summary Application by Petition, be entitled to receive the Difference between the Amount of such Damages and the Amount of the Sum paid into 40
 Court; but if the Amount of such Damages shall exceed the Amount of the Monies paid into Court, then the Difference between the Amount paid in and the Damages shall, at the Costs of the Commissioners, be paid into Court; and the Payment of such Difference into

into Court, and the Payment of any Costs payable by the Commissioners in respect of such Traverse, shall be a good Discharge to the Commissioners on any such Verdict in the Nature of a Judgment as aforesaid.

- 5 XXIX. It shall be lawful for the Commissioners, for the Purpose of enclosing any Land which they shall have taken under the Provisions of this Act, to stop up, divert, or alter all or any of the Ways, Paths, or Watercourses which now lead into or over any Part or Parts of the said Lands. Power to stop up indirect Water-courses, &c.
- 10 XXX. The Purchase Money or Compensation to be paid by the Commissioners in respect of any Interest in the Lands authorised to be taken under the Provisions of this Act, and for any Damage to any Lands injuriously affected by the Exercise of the Powers of the Commissioners, and all Costs, Charges, and Expenses attending or Expense of Site for Prison and for obtaining Act.
- 15 incidental to the acquiring such Lands, or to the applying for and obtaining this Act, shall be paid by the Commissioners out of any Monies appropriated or to be appropriated by Parliament for building a Juvenile Reformatory Prison for Convicts in Ireland.

SCHEDULE to which this Act refers.

*The Parish of Lusk in the Barony of Balrothery East and
County of Dublin.*

No. on Plan.	Description of Property.	Owners or reputed Owners.	Lessees or reputed Lessees.	Occupiers.
1	Pasture Land (Common- age), interspersed with Furze, Knolls, Pits, &c.	Lord of the Manor, Arch- bishop of Dub- lin or the Earl of Howth.	- - -	Arthur Forbes, Mark Taylor, Christopher Archbold, and others
2	Small Cottage or Cabin -	Same - -	- - -	Christopher Dunn.
3	Small Fields in Pasture -	Same - -	- - -	Robert Aungier.
4	Two small Fields in Pasture	Same - -	- - -	Michael Fleming.
5	Cottage and small Garden	Same - -	- - -	Catharine Stafford, Widow.
6	Cottage and small Garden	Same - -	- - -	Patrick Kiernan.
7	Small Cottage or Cabin -	Same - -	- - -	John Reilly.
8	Cottage and small Garden	Same - -	- - -	Thomas Moore.
9	Cottage, Garden, and small Field in Tillage	Same - -	- - -	James Doran.
10	Small Field in Tillage -	Same - -	- - -	John Sweetman.
11	Cottage, Garden, and small Field in Tillage.	Same - -	- - -	Jane M'Carroll.

} Freeholders of the
Parish of Lusk.

Juvenile Convict Prison
(Ireland).

A

B I L L

[AS AMENDED BY THE SELECT COMMITTEE]

For enabling the Commissioners of Public
Works in Ireland to acquire certain
Lands for the Site of a Prison for the
Reception of Juvenile Convicts.

(*Prepared and brought in by*
Mr. Horsman and Mr. Solicitor General for Ireland.)

Ordered, by The House of Commons, to be Printed,
1 May 1856.

[Bill 117.]

Under 3 oz.

Juvenile Offenders (Ireland) Bill.

ARRANGEMENT OF CLAUSES.

Interpretation of Terms ; Sect. 1.

On Application from Managers of Reformatory School to Lord Lieutenant, Inspector to report ; 2.

Juvenile Offenders how to be dealt with ; 3.

Power to Treasury to defray Cost of Maintenance at Reformatory School ; 4.

Absconding from, or refractory Conduct at, Reformatory School to be punished ; 5.

Cost of Maintenance to be partly recovered from Parents, &c. ; 6.

For compelling Parent or Step-parent to support Juvenile Offenders while remaining in Reformatory School ; 7.

Juvenile Offenders may be removed from one Reformatory School to another ; 8.

Title of Act ; 9.

Act to apply to Ireland only ; 10.

4 February 1856. 19 VICT.



(Ireland.)

A

B I L L

FOR

The better Care and Reformation of Juvenile Offenders in Ireland.

WHEREAS it is expedient that the Establishment of Reformatory Schools in Ireland should be encouraged, and made available for the better training of Juvenile Offenders :
Be it enacted by the Queen's most Excellent Majesty, by and with
5 the Advice and Consent of the Lords Spiritual and Temporal, and
Commons, in this present Parliament assembled, and by the Authority
of the same, as follows :

Preamble.

I. The following Words and Expressions in this Act shall have the Meanings hereby assigned to them, unless there be something in
10 the Subject or Context repugnant to such Construction ; that is
to say,

Interpre-
tation of
Terms.

The Expression "the Lord Lieutenant," or "the Lord Lieutenant
of Ireland," shall include any other Chief Governor or Governors
of Ireland.

15 II. The Lord Lieutenant of Ireland, upon Application made to him
by the Directors or Managers of any Reformatory School in Ireland,
may direct One of the Inspectors General of Prisons in Ireland to
[Bill 11.] A examine
On Appli-
cation from
Managers
of Reforma-
tory School

to Lord
Lieutenant,
Inspector to
report.

examine and report to him upon its Condition and Regulations, and any such Institution as shall appear to the Satisfaction of the Lord Lieutenant, and shall be certified under his Hand to be useful and efficient for its Purpose, shall be held to be a Reformatory School under the Provisions of this Act: Provided always, that any of the Inspectors 5 General of Prisons may visit from Time to Time any Reformatory School which shall have been so certified as aforesaid, and if upon the Report of any such Inspector the Lord Lieutenant shall think proper to withdraw his said Certificate, and shall notify such Withdrawal under his Hand to the Directors or Managers of the said 10 Institution, the same shall forthwith cease to be a Reformatory School within the Meaning of this Act.

Juvenile
Offenders
how to be
dealt with.

III. Whenever after any Reformatory Schools have been established and certified as aforesaid any Person under the Age of *Sixteen* Years shall be convicted of any Offence punishable by Law, either upon an 15 Indictment, or on summary Conviction before the Divisional Magistrates of the Police District of Dublin Metropolis, or any Resident Magistrate in any Corporate or Borough Town, or any Justice or Justices at Petty Sessions, then and in every such Case any Court, Judge, Magistrate of Police District of Dublin Metropolis, Resident 20 Magistrate, or Justice or Justices at Petty Sessions before or by whom such Offender shall be so convicted, in addition to the Sentence then and there passed as a Punishment for his Offence, may direct such Offender to be sent at the Expiration of his Sentence to some one of the aforesaid Reformatory Schools to be named in such Direction, the 25 Directors or Managers of which shall be willing to receive him, and to be there detained for a Period not less than *Two* Years, and not exceeding *Five* Years, and such Offender shall be liable to be detained pursuant to such Direction: Provided always, that no Offender shall be directed to be so sent and detained as aforesaid unless the Sentence 30 passed as a Punishment of his Offence, at the Expiration of which he is directed to be so sent and detained, shall be one of Imprisonment for *Fourteen* Days at the least: Provided also, that the Lord Lieutenant may at any Time order any such Offender to be discharged 35 from any such School.

Power to
Treasury to
defray Cost
of Maintenance
at
Reformatory
School.

IV. The Commissioners of Her Majesty's Treasury, upon the Representation of the Lord Lieutenant, may defray out of any Funds which shall be provided by Parliament for that Purpose either the whole Cost of the Care and Maintenance of any Juvenile Offender so detained in any Reformatory School as aforesaid at such Rate per 40 Head as shall be determined by them, or such Portion of such Cost as shall not have been recovered from the Parents or Step-parents of such

such Child as herein-after provided, or such other Portion as shall be recommended, by the Lord Lieutenant.

V. And whereas it is expedient that some Provision should be made for the Punishment of any Juvenile Offender so directed to be
 5 detained as aforesaid in any such Reformatory School who shall abscond therefrom, or wilfully neglect or refuse to abide by and conform to the Rules thereof: Therefore, any Justice of the Peace acting in and for the District or Place wherein the said Offender shall actually be at the Time he shall so abscond, or neglect or refuse as
 10 aforesaid, upon the Proof thereof made before him upon the Oath of One credible Witness, by Warrant under his Hand may commit the Party so offending for every such Offence to any Gaol or House of Correction for such District or Place, with or without Hard Labour, for any Period not exceeding *Three* Calendar Months.

Abscending from, or refractory Conduct at, Reformatory School to be punished.

15 VI. The Court by which any Juvenile Offender is ordered to be detained as aforesaid under this Act shall charge the Parent or Step-parent of such Offender, if of sufficient Ability to bear the same, with a Sum not exceeding *Five* Shillings per Week towards the Maintenance and Support of such Juvenile Offender while remaining in such
 20 Reformatory School, such Payment to be in Relief of the Charges on Her Majesty's Treasury in all Cases where the Treasury shall have defrayed or undertaken to defray the whole or any Portion of the Maintenance of such Offender, and in all other Cases such Payment to be made to the Directors or Managers of such Reformatory
 25 School.

Cost of Maintenance to be partly recovered from Parents, &c.

VII. For the better compelling the Parent or Step-parent, as the Case may be, to support and maintain wholly or partly every such Juvenile Offender while in such Reformatory School, the Provisions contained in the Act passed in the First and Second Years of the
 30 Reign of Her present Majesty, intituled "An Act for the more effectual Relief of the destitute Poor in Ireland," or any Act or Acts amending the same, or any other Act or Acts which for the Time being shall be in force in Ireland for compelling the Parent of every poor Person, being of sufficient Ability, at their own Charges
 35 to relieve and maintain such poor Person, shall be respectively held and deemed and the same respectively are hereby directed to be applicable in Ireland to the compelling the Parent or Step-parent respectively of every such Juvenile Offender to maintain and support him, either wholly or partly, while remaining in such Reformatory
 40 School. and for the Recovery of the weekly Payment so charged upon such Parent or Step-parent.

For compelling Parent or Step-parent to support Juvenile Offenders while remaining in Reformatory School.

Juvenile Of- VIII. The Lord Lieutenant may remove any such Juvenile
fenders may Offender from one Reformatory School to another ; provided always,
be removed that such Removal shall not increase the Period for which such
from one Offender was sentenced to remain in a Reformatory School.
Reformatory School to
School to another.

Title of Act. IX. This Act shall be cited for every Purpose as “ Juvenile 5
Offenders (Ireland) Act, 1856.”

Act to apply X. This Act shall apply to Ireland only.
to Ireland
only.

**Juvenile Offenders
(Ireland).**

A

B I L L

For the better Care and Reformation of
Juvenile Offenders in Ireland.

(Prepared and brought in by
Mr. Horsman, Mr. Attorney General for Ireland,
and Sir George Grey.)

*Ordered, by The House of Commons, to be Printed,
4 February 1856.*

[Bill 11.]

Under 1 oz.

Juvenile Offenders (Ireland) Bill.

[AS AMENDED IN COMMITTEE.]

ARRANGEMENT OF CLAUSES.

Interpretation of Terms ; Sect. 1.

On Application from Managers of Reformatory School to Lord Lieutenant, Inspector to report ; 2.

Juvenile Offenders how to be dealt with ; 3.

CLAUSE A. Local Reformatories, &c. may receive Youthful Offenders ; 4.

Power of Treasury to defray Cost of Maintenance at Reformatory School ; 5.

Absconding from, or refractory Conduct at, Reformatory School to be punished ; 6.

For enforcing Contributions by Parents or Step-parents for the Maintenance of Juvenile Offenders in Reformatory Schools ; 7.

CLAUSE B. Recovery of Sums ordered to be paid ; 8.

Juvenile Offenders may be removed from one Reformatory School to another ; 9.

Title of Act ; 10.

Act to apply to Ireland only ; 11.

19 May 1856. 19 VICT.



(Ireland.)

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B I L L

[AS AMENDED IN COMMITTEE]

FOR

The better Care and Reformation of Juvenile Offenders in Ireland.

[Note.—*The Clauses A. and B. were added in Committee.*]

WHEREAS it is expedient that the Establishment of Reformatory Schools in Ireland should be encouraged, and made available for the better training of Juvenile Offenders: Be it enacted by the Queen's most Excellent Majesty, by and with
5 the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Preamble.

I. The following Words and Expressions in this Act shall have the Meanings hereby assigned to them, unless there be something in
10 the Subject or Context repugnant to such Construction; that is to say,

Interpre-
tation of
Terms.

The Expression "the Lord Lieutenant," or "the Lord Lieutenant of Ireland," shall include any other Chief Governor or Governors of Ireland:

15 The Word "Court" shall include any Judge or the Divisional Magistrates of the Police District of Dublin Metropolis, or any Magistrate in any Corporate or Borough Town, or any Justice or Justices at Petty Sessions.

On Appli-
cation from
Managers
of Reforma-
tory School
to Lord
Lieutenant,
Inspector to
report.

II. The Lord Lieutenant of Ireland, upon Application made to him by the Directors or Managers of any Reformatory School or any House of Refuge for Juvenile Offenders, or any Industrial School or other similar Institution in Ireland, may direct One of the Inspectors General of Prisons in Ireland to examine and report to him upon 5 its Condition and Regulations, and any such Institution as shall appear to the Satisfaction of the Lord Lieutenant, and shall be certified under his Hand to be useful and efficient for its Purpose, shall be held to be a Reformatory School under the Provisions of this Act: Provided always, that any of the Inspectors General 10 of Prisons may visit from Time to Time any Reformatory School which shall have been so certified as aforesaid, and if upon the Report of any such Inspector the Lord Lieutenant shall think proper to withdraw his said Certificate, and shall notify such With- 15 drawal under his Hand to the Directors or Managers of the said Institution, the same shall forthwith cease to be a Reformatory School within the Meaning of this Act.

Juvenile
Offenders
how to be
dealt with.

III. Whenever, after any Reformatory Schools have been established and certified as aforesaid, any Person under the Age of Fourteen Years shall be convicted of any Offence punishable by Law, either 20 upon an Indictment or on Summary Conviction before any Court, then and in every such Case such Court may direct such Offender to be sent in the first instance, or at the Expiration of his Sentence, to such One of the said Reformatory Schools to be named in such Direction as may be under the Management of Persons of the 25 same Religious Persuasion of the said Offender, or as the Parents or Guardians or near Relatives of such Offender may select, the Directors or Managers of which shall be willing to receive him, and to be there detained for a Period not less than Two Years and not exceeding Five Years, and such Offender shall be liable to 30 be detained pursuant to such Direction, unless discharged or removed by the Lord Lieutenant as herein-after mentioned: Provided always, that no Offender shall be so sent and detained as aforesaid unless the Sentence passed as a Punishment for his Offence shall be One of Imprisonment for Fourteen Days at the least. 35

CLAUSE A.
Local Re-
formatories,
&c. may
receive
Youthful
Offenders.

IV. Where in any City, Town, or Place there has been erected under any Act of Parliament or otherwise any House of Refuge for Juvenile Offenders, or any Industrial School or other similar Institu- 40 tion, it shall be lawful for the Directors or Managers thereof to receive and maintain therein, if willing so to do, all such young Persons as may be sent thereto under the Provisions of this Act, and to apply such Portion of the Funds under their Control as they may think proper for their Training, Maintenance, and Disposal.

V. The

V. The Commissioners of Her Majesty's Treasury, upon the Representation of the Lord Lieutenant, may defray out of any Funds which shall be provided by Parliament for that Purpose either the whole Cost of the Care and Maintenance of any Juvenile Offender so
5 detained in any Reformatory School as aforesaid at such Rate per Head as shall be determined by them, or such Portion of such Cost as shall not have been recovered from the Parents or Step-parents of such Child as herein-after provided, or such other Portion as shall be recommended by the Lord Lieutenant.

Power to Treasury to defray Cost of Maintenance at Reformatory School.

10 VI. And whereas it is expedient that some Provision should be made for the Punishment of any Juvenile Offender so directed to be detained as aforesaid in any such Reformatory School who shall abscond therefrom, or wilfully neglect or refuse to abide by and conform to the Rules thereof: Therefore, any Justice of the Peace acting
15 in and for the District or Place wherein the said Offender shall actually be at the Time he shall so abscond, or neglect or refuse as aforesaid, upon the Proof thereof made before him upon the Oath of One credible Witness, by Warrant under his Hand may commit the Party so offending for every such Offence to any Gaol or House of
20 Correction for such District or Place, with or without Hard Labour, for any Period not exceeding Three Calendar Months.

Absconding from, or refractory Conduct at, Reformatory School to be punished.

VII. In every Case in which any Juvenile Offender shall be detained in a Reformatory School under this Act, the Parent or Step-parent, if of sufficient Ability, shall be liable to contribute to his
25 Support and Maintenance a Sum not exceeding Five Shillings a Week; and it shall be lawful for any Two Justices, upon the Complaint of any Person authorized by the Lord Lieutenant to take Proceedings in that Behalf, to summon the Parent or Step-parent, as the Case may be, and examine into his or her Ability, and (if on Con-
30 sideration of all the Circumstances of the Case they think fit) to make an Order upon him or her for such weekly Payment, not exceeding Five Shillings per Week, as they shall think reasonable, during the whole or any Part of the Detention of such Juvenile Offender in such Reformatory School, such Payment to be made at
35 such Times as by such Order may be directed, to the Person so authorized to take Proceedings as aforesaid, or to such Person as the Lord Lieutenant may from Time to Time appoint to receive the same, and by him to be accounted for and paid as the Commissioners of Her Majesty's Treasury may direct.

For enforcing Contributions by Parents or Step-parents for the Maintenance of Juvenile Offenders in Reformatory Schools.

40 VIII. In case Default be made for the Space of Fourteen Days in Payment of any Sum of Money which may have become payable by such Parent or Step-parent under such Order, such Sum of Money

CLAUSE B. Recovery of Sums ordered to be paid.

shall in every such Case be levied upon the Goods and Chattels of the Defendant by Distress and Sale thereof; and if it shall appear to the said Justices, on Confession of Defendants or otherwise, or if it shall be returned to the Warrant of Distress in any such Case, that no sufficient Goods of the Party against whom such Warrant shall have been 5 issued can be found, it shall be lawful for the Justice to whom such Return is made, or for any other Justice of the Peace for the same County, City, District, Borough, or Place, by his Warrant as aforesaid, to commit the Defendant to the House of Correction or Common Gaol for any Term not exceeding Ten Days, unless the Sum to be 10 paid and all Costs and Charges of the Distress and of the Commitment and conveying of the Defendant to Prison, the Amount thereof being ascertained and stated in such Commitment, shall be sooner paid.

Juvenile Offenders may be removed from one Reformatory School to another.

IX. The Lord Lieutenant may at any Time order any such 15 Juvenile Offender to be discharged from such Reformatory School, or may remove any such Juvenile Offender from one Reformatory School to another: Provided always, that such Removal shall not increase the Period for which such Offender was sentenced to remain in a Reformatory School. 20

Title of Act.

X. This Act shall be cited for every Purpose as "Juvenile Offenders (Ireland) Act, 1856."

Act to apply to Ireland only.

XI. This Act shall apply to Ireland only.

Juvenile Offenders (Ireland).

A

B I L L

[AS AMENDED IN COMMITTEE]

For the better Care and Reformation of
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(Prepared and brought in by
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Ordered, by The House of Commons, to be Printed,
19 May 1856.

[Bill 183.]

Under 1 oz.

